

1 ENGROSSED HOUSE
2 BILL NO. 1565

By: Duel

3
4
5 An Act relating to children; amending 10A O.S. 2021,
6 Sections 1-2-101 and 1-2-102, which relate to the
7 Oklahoma Children's Code; directing that certain
8 referral be immediately reported to law enforcement
9 agency; directing that the referral be in writing;
10 directing hotline supervisor to ensure report has
11 been made; directing the Department of Human Services
12 to maintain certain record; and providing an
13 effective date.

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

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

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

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

24 3. The Department is authorized to contract with third parties
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,
- 5 c. the number of calls received by persons unwilling to
6 disclose basic personal information including, but not
7 limited to, first and last name, and
- 8 d. the number of calls in which the allegations were
9 later found to be unsubstantiated or ruled out.

10 5. The Department shall electronically record each referral
11 received by the hotline and establish a secure means of retaining
12 the recordings for twelve (12) months. The recordings shall be
13 confidential and subject to disclosure only if a court orders the
14 disclosure of the referral. The Department shall redact any
15 information identifying the reporting party unless otherwise ordered
16 by the court.

17 6. Each referral received by the hotline alleging abuse or
18 neglect wherein the alleged perpetrator is someone other than a
19 person responsible for the child's health, safety, or welfare, shall
20 be immediately reported to the appropriate local law enforcement
21 agency, in writing, for the purpose of conducting a possible
22 criminal investigation. The hotline supervisor shall ensure that a
23 report has been made upon receipt of a referral. The Department
24

1 shall maintain a record of its transmission of each record to law
2 enforcement.

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

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

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

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

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

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

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

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

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

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

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

20 2. If a court determines that an accusation of child abuse or
21 neglect made during a child custody proceeding is false and the
22 person making the accusation knew it to be false at the time the
23 accusation was made, the court may impose a fine, not to exceed Five
24 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred

1 in recovering the sanctions, against the person making the
2 accusation. The remedy provided by this paragraph is in addition to
3 paragraph 1 of this subsection or to any other remedy provided by
4 law.

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

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

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

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

- 16 a. provide investigation support and to assist
17 caseworkers with assessment decisions and intervention
18 activities,
- 19 b. serve as consultants to caseworkers in all aspects of
20 their duties, and
- 21 c. designate persons who shall act as liaisons within the
22 Department whose primary functions are to develop
23 relationships with local law enforcement agencies and
24 courts.

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

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

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

20 6. Whenever the Department determines an infant has been
21 diagnosed with Neonatal Abstinence Syndrome or a Fetal Alcohol
22 Spectrum Disorder, but the referral is not accepted for
23 investigation, the Department shall develop a plan of safe care that
24 addresses both the infant and affected family member or caregiver.

1 The plan of safe care shall address, at a minimum, the health and
2 substance use treatment needs of the infant and affected family
3 member or caregiver.

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

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

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

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

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

22 a. the Department has reason to believe the alleged
23 perpetrator is a parent of another child, not the
24 subject of the criminal investigation, or is otherwise

1 a person responsible for the health, safety, or
2 welfare of another child,

3 b. notice is received from a law enforcement agency that
4 it has determined the alleged perpetrator is a parent
5 of or a person responsible for the health, safety, or
6 welfare of another child not the subject of the
7 criminal investigation, or

8 c. the appropriate law enforcement agency requests the
9 Department to assist in the investigation. If funds
10 and personnel are available, as determined by the
11 Director of the Department or a designee, the
12 Department may assist law enforcement in interviewing
13 children alleged to be victims of physical or sexual
14 abuse.

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

18 a. a child in the custody of the Office of Juvenile
19 Affairs, and

20 b. at the time of the alleged abuse or neglect, such
21 child was placed in a secure facility operated by the
22 Office of Juvenile Affairs, as defined by Section 2-1-
23 103 of this title,
24

1 the Department shall immediately make a referral, either verbally or
2 in writing, to the appropriate law enforcement agency for the
3 purpose of conducting a possible criminal investigation. After
4 making the referral to the law enforcement agency, the Department
5 shall not be responsible for further investigation.

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

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

19 D. If, upon receipt of a report alleging abuse or neglect, the
20 Department determines that the family has been the subject of a
21 deprived petition, the Department shall conduct a thorough
22 investigation of the allegations and shall not limit the evaluation
23 of the circumstances to an assessment. In addition, if the family
24 has been the subject of three or more referrals, the Department

1 shall conduct a thorough investigation of the allegations and shall
2 not limit the evaluation of the circumstances to an assessment.

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

7 F. The Department shall promulgate rules to implement the
8 provisions of this section.

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

10 Passed the House of Representatives the 3rd day of March, 2025.

11

12

Presiding Officer of the House
of Representatives

14

15 Passed the Senate the ____ day of _____, 2025.

16

17

Presiding Officer of the Senate

18

19

20

21

22

23

24