

## Oklahoma Statutes Citationized

### Title 10. Children

#### Chapter 71 - Oklahoma Child Abuse Reporting and Prevention Act

#### Section 7103 - Reporting Abuse, Neglect, or Birth of Chemically-Dependent Child

Cite as: O.S. §, \_\_ \_\_

#### A. 1. Every:

- a. physician or surgeon, including doctors of medicine and dentistry, licensed osteopathic physicians, residents and interns, examining, attending or treating a child under the age of eighteen (18) years,
- b. registered nurse examining, attending or treating such a child in the absence of a physician or surgeon,
- c. teacher of any child under the age of eighteen (18) years, and
- d. other person

having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect, shall report the matter promptly to the Department of Human Services. Such reports may be made by telephone, in writing, personally or by any other method prescribed by the Department. Any report of abuse or neglect made pursuant to this section shall be made in good faith.

2. Every physician or surgeon, including doctors of medicine, licensed osteopathic physicians, residents and interns, or any other health care professional attending the birth of a child who tests positive for alcohol or a controlled dangerous substance shall promptly report the matter to the Department of Human Services.
3. No privilege or contract shall relieve any person from the requirement of reporting pursuant to this section.
4. The reporting obligations under this section are individual, and no employer, supervisor or administrator shall impede or inhibit the reporting obligations of any employee or other person. No employer, supervisor or administrator of any employee or other person required to provide information pursuant to this section shall discharge, or in any manner discriminate or retaliate against, the employee or other person who in good faith provides such child abuse reports or information, testifies, or is about to testify in any proceeding involving child abuse or neglect; provided, that the person did not perpetrate or inflict such abuse or neglect. Any employer, supervisor or administrator who discharges, discriminates or retaliates against the employee or other person shall be liable for damages, costs and attorney fees. Internal procedures to facilitate child abuse or neglect reporting and inform employers, supervisors and administrators of reported suspected child abuse or neglect may be established provided that they are not inconsistent with the provisions of this section and that such procedures shall not relieve the employee or such other person from the individual reporting obligations required by this section.
5. Every physician or surgeon making a report of abuse or neglect as required by this subsection or examining a child to determine the likelihood of abuse or neglect and every hospital or related institution in which the child was examined or treated shall provide copies of the results of the examination or copies of the examination on which the report was based and any other clinical notes, x-rays, photographs, and other previous or current records relevant to the case to law enforcement officers conducting a criminal investigation into the case and to employees of the Department of Human Services conducting an investigation of alleged abuse or neglect in the

case.

B. If the report is not made in writing in the first instance, it shall be reduced to writing by the Department of Human Services, in accordance with rules promulgated by the Commission for Human Services, as soon as may be after it is initially made by telephone or otherwise and shall contain the following information:

1. The names and addresses of the child and the child's parents or other persons responsible for the child's health, safety or welfare;
2. The child's age;
3. The nature and extent of the abuse or neglect, including any evidence of previous injuries;
4. If the child has tested positive for alcohol or a controlled dangerous substance; and
5. Any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the person or persons responsible therefor if such information or any part thereof is known to the person making the report.

C. Any person who knowingly and willfully fails to promptly report any incident as provided in this section may be reported by the Department of Human Services to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.

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

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

E. 1. Nothing in this section shall be construed to mean a child is abused or neglected for the sole reason the parent, legal guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

2. Nothing contained in this subsection shall prevent a court from immediately assuming custody of a child, pursuant to the Oklahoma Children's Code, and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

F. Nothing contained in this section shall be construed to exempt or prohibit any person from reporting any suspected child abuse or neglect pursuant to subsection A of this section.

### ***Historical Data***

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Added by Laws 1965, SB 18, c. 43, § 2, emerg. eff. March 18, 1965; Amended by Laws 1972, HB 1755, c. 236, § 1, emerg. eff. April 7, 1972; Amended by Laws 1975, SB 304, c. 98, § 2, emerg. eff. April 30, 1975; Amended by Laws 1977, SB 335, c. 172, § 2, eff. October 1, 1977; Amended by Laws 1980, HB 1840, c. 107, § 1, eff. October 1, 1980; Amended by Laws 1985, HB 1022, c. 66, § 1, eff. November 1, 1985; Amended by Laws 1986, HB 1291, c. 263, § 5, emerg. eff. July 1, 1986; Amended by Laws 1987, HB 1020, c. 88, § 2, emerg. eff. July 1, 1987; Amended by Laws 1987, HB 1200, c. 167, § 1, emerg. eff. July 1, 1987; Amended by Laws 1992, HB 2022, c. 265, § 2, emerg. eff. May 25, 1992; Amended by Laws 1993, HB 1578, c. 208, § 4, eff. September 1, 1993; Amended by Laws 1994, HB 2272, c. 324, § 1, eff. September 1, 1994; Amended by Laws 1995, HB 1993, c.

353, § 3, eff. November 1, 1995; Renumbered from [21 O.S. § 846](#) by Laws 1995, HB 1993, c. 353, § 20, eff. November 1, 1995; Amended by Laws 1998, HB 2905, c. 416, § 12, eff. November 1, 1998 ([superseded document available](#)); Amended by Laws 2000, HB 2452, c. 374, § 31, emerg. eff. July 1, 2000 ([superseded document available](#)).

### Citationizer® Summary of Documents Citing This Document

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Cite Name	Level
<b>Oklahoma Attorney General's Opinions</b>	
Cite	Name Level
<a href="#">2000 OK AG 45,</a>	<a href="#">Question Submitted by: The Honorable John Nance</a> Cited
<b>Oklahoma Court of Civil Appeals Cases</b>	
Cite	Name Level
<a href="#">2000 OK CIV APP 128, 15 P.3d 981, 71 OBJ 3292,</a>	<a href="#">PAULSON v. STERNLOF</a> Cited
<b>Oklahoma Supreme Court Cases</b>	
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<a href="#">2002 OK 14, 44 P.3d 553, 73 OBJ 879,</a>	<a href="#">MYERS v. LASHLEY</a> Discussed at Length
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<a href="#">10 O.S. 7007-,</a>	<a href="#">Purpose of Committee</a> Cited
<a href="#">10 O.S. 7106,</a>	<a href="#">Prompt Investigation of Child Abuse or Neglect - Determinations - Temporary Restraining Order</a> Cited
<a href="#">10 O.S. 7004-,</a>	<a href="#">Grievance Procedures - Office of Client Advocacy</a> Cited
<a href="#">10 O.S. 7107,</a>	<a href="#">Reports Confidential - Violation of Confidentiality</a> Cited
<a href="#">10 O.S. 7109,</a>	<a href="#">Information Provided to Person or Agency Providing Professional Services</a> Discussed
<a href="#">10 O.S. 7111,</a>	<a href="#">Statewide Central Registry for Child Abuse, Sex Abuse, and Neglect - Maintenance of Registry - Contents</a> Cited
<b>Title 21. Crimes and Punishments</b>	
Cite	Name Level
<a href="#">21 O.S. 846,</a>	<a href="#">Renumbered as 70 O.S. § 7103 by Laws 1995, HB 1993, c. 353, § 20, eff. November 1, 1995</a> Discussed

### Citationizer: Table of Authority

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Cite	Name	Level
None Found.		