

2514: GUIDELINES FOR REPORTING SUSPECTED CHILD ABUSE OR NEGLECT

Oklahoma State law (10A O.S. 1-2-101) requires every person, private citizen or professional, who has reason to believe that a child under the age of 18 is a victim of abuse or neglect, to immediately report the matter to the Department of Human Services, at the statewide hotline (1-800-522-3511). As employees of the State of Oklahoma, ALL SoonerStart staff (both Oklahoma State Department of Health and Oklahoma State Department of Education) must follow the reporting procedures outlined in this document.

House Bill 2259 amending child abuse and neglect reporting requirements was signed into law in May of 2018. Staff are now required to report suspected child abuse and/or neglect “immediately.” SoonerStart defines “immediately” as no more than ONE HOUR following the interaction with a SoonerStart family that precipitated the knowledge or suspicion of possible child abuse and/or neglect. If an employee has reason to believe that a child is in immediate physical danger, the employee must contact local law enforcement in addition to making a report to the OKDHS Child Abuse Reporting Hotline.

Following the verbal report to the OKDHS Child Abuse Reporting Hotline, the employee should immediately complete the **Child Abuse Reporting Form (ODH Form 333F) (Appendix CC)** including as much information as possible. The documented information should objectively and accurately reflect the nature of the abuse and/or neglect without overstating or minimizing the incident(s).

The original completed Child Abuse Reporting Form (ODH Form 333F), should immediately be mailed to the OKDHS office where the child resides or where the injury occurred--whichever office seems most reasonable. The “One Week Follow-Up” Section of the Child Abuse Reporting Form (Form 333F), will be left incomplete. One copy of the completed Child Abuse Reporting Form (ODH form 333F), should then be filed in the administrative section of that child’s medical record (Health Department record). A progress note should be made stating only “ODH Form 333F completed” and filed in the SoonerStart record.

If the child is not a Health Department client, a medical record should be opened for that child and the Child Abuse Reporting Form (ODH Form 333F), should be filed in the administrative section of that medical record. A progress note should be made stating only “ODH Form 333F completed” and filed in the SoonerStart record. A separate file should be established in each county health department to contain “Child Abuse Reporting Forms,” (ODH Form 333F) related to child abuse reports made on behalf of children whose names are not known. For the Oklahoma County and Tulsa County sites, a Health Department administrative file should be created and maintained per Health Department policies for confidential records.

Approximately one week after the report was made the “One Week Follow-Up” section of the Child Abuse Reporting Form (ODH Form 333F), should be completed. The form should be returned to its appropriate place in the child’s medical record.

Oklahoma State Department of Health employees should send a copy of the completed form to:

The Oklahoma State Department of Health
The Family Support & Prevention Service
1000 Northeast Tenth Street, 7th Floor
Oklahoma City, Oklahoma 73117-1299

Oklahoma State Department of Education employees should send a copy of the completed form to:

Mark Sharp, Executive Director – SoonerStart
Oklahoma State Department of Education
2500 N. Lincoln Blvd.
Oklahoma City, OK 73105

Please state “CONFIDENTIAL” on the outside of the envelope.

Failure to report suspected abuse is a crime – legally and morally. No person, regardless of his or her relationship with the child or family, is exempt from reporting suspected abuse. A person reporting in good faith, however, is immune from both civil and criminal prosecution.

SoonerStart staff having a reason to believe a child is a victim of abuse or neglect are legally responsible for making certain that the report is called in to the statewide hotline. Reporting suspicion to a supervisor or another SoonerStart staff does not satisfy this legal responsibility. The absence or unavailability of a supervisor should not delay reporting. Oklahoma State Department of Health (OSDH) employees and Oklahoma State Department of Education (OSDE) employees must complete ODH Form 333F Suspected Child Abuse and Neglect Reporting Form. This reporting form has been made available to all SoonerStart sites. Please refer to ODH Form 333F and instructions for completing which include procedures for routing and filing. The child abuse report is not education related; therefore, it will not be retained in the child’s SoonerStart Early Intervention record.

If a SoonerStart employee receives second-hand information from someone outside of SoonerStart that a child is a victim of abuse or neglect, the situation must be addressed. The SoonerStart employee should request that the person with the direct knowledge of the abuse or neglect immediately make the report to OKDHS and offer assistance in calling the statewide hotline. The report to OKDHS must be made in the presence of the SoonerStart employee who received the second-hand information to ensure that the report is actually made. However, if the person who has direct knowledge refuses to report, the SoonerStart employee must immediately call the statewide hotline. If, at any point in time, the person receiving the second-hand information has a reason to believe a child is a victim of abuse or neglect, said person must promptly report the matter to DHS as provided herein.

A report of believed abuse or neglect is a request for an investigation to gather facts and protect the child from further harm. Proving abuse or neglect prior to reporting is not required. Investigation and validation of child abuse and/or neglect reports are the responsibility of OKDHS. If additional incidents of abuse or neglect occur or are believed after the initial report has been made, another referral to OKDHS with the additional concerns and information should be made.

The fact that SoonerStart is a voluntary program has no relation to the state mandate that suspected child abuse or neglect must be reported to OKDHS. Often SoonerStart staff have a strong established relationship with the family and staff members are uncomfortable reporting their suspicions. They may think that they can work with the family without involving OKDHS or law enforcement. While reporting does not guarantee the family situation will improve, not reporting guarantees that if the abuse and/or neglect exists, the child will continue to be at risk of further harm, and perhaps more serious harm.

Statutory Definitions:

Abuse:

"Abuse" means harm or threatened harm to the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare, including but not limited to nonaccidental physical or mental injury, sexual abuse, or sexual exploitation. Provided, however, that nothing contained in the Oklahoma Children's Code shall prohibit any parent from using ordinary force as a means of discipline including, but not limited to, spanking, switching, or paddling.

"Harm or threatened harm to the health or safety of a child" means any real or threatened physical, mental or emotional injury or damage to the body or mind that is not accidental including but not limited to sexual abuse, sexual exploitation, neglect or dependency.

"Sexual abuse" includes but is not limited to rape, incest, and lewd or indecent acts or proposals to a child, as defined by law, by a person responsible for the health, safety, or welfare of a child.

"Sexual exploitation" includes but is not limited to allowing, permitting, encouraging, or forcing a child to engage in prostitution, as defined by law, by any person eighteen (18) years of age or older or by a person responsible for the health, safety, or welfare of a child, or allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic, as defined by law, photographing, filming, or depicting of a child in those acts by a person responsible for the health, safety, and welfare of the child.

Neglect:

"Neglect" means:

1. The failure or omission to provide any of the following:
 - a. Adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education,
 - b. Medical, dental, or behavioral health care,
 - c. Supervision or appropriate caretakers, or
 - d. Special care made necessary by the physical or mental condition of the child
2. The failure or omission to protect a child from exposure to any of the following:
 - a. The use, possession, sale, or manufacture of illegal drugs,
 - b. Illegal activities, or
 - c. Sexual acts or materials that are not age-appropriate, or
3. Abandonment.