

REPORTS OF CHILD ABUSE/NEGLECT

Oklahoma law requires every person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect to promptly report to the Department of Human Services (DHS). Reports shall be made to the Department of Human Services Hotline (1-800-522-3511).

Any person, who knowingly and willfully fails to promptly report suspected child abuse or neglect or who interferes with the prompt reporting of suspected child abuse or neglect may be reported to local law enforcement for criminal investigation and, upon conviction, shall be guilty of a misdemeanor.

Any person with prolonged knowledge of ongoing child abuse or neglect, who knowingly and willfully fails to promptly report such knowledge may be reported to local law enforcement for criminal investigation and, upon conviction, shall be guilty of a felony. For the purposes of this paragraph, "prolonged knowledge" shall mean knowledge of at least six (6) months of child abuse or neglect.

Any person who knowingly and willfully makes a false report or a report that the person knows lacks factual foundation may be reported to local law enforcement for criminal investigation and, upon conviction, shall be guilty of a misdemeanor. Any person who, in good faith and exercising due care, reports suspected child abuse or neglect, or who allows access to a child by persons authorized to investigate a report concerning the child shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

The identity of the employee who reports abuse or neglect of a child is kept confidential and is not disclosed unless the employee gives consent to have their identity revealed or the employee's identity is requested in a court proceeding. Department of Human Services (DHS) accepts anonymous reports of abuse, neglect, or exploitation of a child.

The following definitions give guidance on what constitutes child abuse or neglect:

"Abuse" – harm or threatened harm to a child's health, safety or welfare by a person responsible for the child's health, safety or welfare including sexual abuse and sexual exploitation;

"Harm or threatened harm to a child's health or safety" includes, but is not limited to:

- a. nonaccidental physical or mental injury,
- b. sexual abuse,
- c. sexual exploitation,
- d. neglect,
- e. failure or omission to provide protection from harm or threatened harm, or
- f. abandonment;

“Neglect” means failure or omission to provide:

- a. adequate food, clothing, shelter, medical care, and supervision,
- b. special care made necessary by the physical or mental condition of the child, or
- c. abandonment;

“Sexual abuse” includes, but is not limited to, rape, incest and lewd or indecent acts or proposals made to a child, as defined by law, by a person responsible for the child’s health, safety or welfare;

“Sexual exploitation” includes, but is not limited to, allowing, permitting, or encouraging a child to engage in prostitution, as defined by law, by a person responsible for the child’s health, safety or welfare or allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic photographing, filming, or depicting of a child in those acts as defined by the state law, by a person responsible for the child’s health, safety or welfare;

“Trafficking in persons” means sex trafficking or severe forms of trafficking in person, including the following:

- a. “Sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.
- b. “Severe forms of trafficking in persons” means any of the following:
 - a. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act has not reached the age 18.
 - b. The recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

“Verbal abuse” means the use of words, sounds, or other communication including, but not limited to, gestures, actions, or behaviors by a caretaker or other person providing services to a vulnerable adult that are likely to cause a reasonable person to experience humiliation, intimidation, fear, shame, or degradation.

The reporting obligations 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 can discharge this responsibility, 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. The District requires every employee who reports child abuse/neglect to DHS shall immediately thereafter advise the principal, the principal’s supervisor, or Health Services.

To facilitate the reporting process, the district employee who witnesses or suspects child abuse or neglect, regardless of the identity of the alleged abuser, must report the DHS Hotline and law enforcement (Tulsa Public Schools Campus Police). If medical attention is needed, the employee will seek assistance from the school nurse or health assistant. Following the verbal report to DHS, the employee will complete the District Child Abuse Report giving all pertinent details regarding the case. The report will be reviewed and signed by the district employee, school leader and any other employee involved. If the employee reporting has not called the DHS Hotline, the principal or designee will immediately phone the DHS Hotline.

If the employee, making the initial report to DHS does not have a principal or principal's designee to whom to report, the employee will make the report to the employee's immediate supervisor. The employee's immediate supervisor will promptly forward the completed District Child Abuse Report to the child's principal or designee.

Appropriately identified investigators of the Department of Human Services or the District Attorney's office will be permitted access to a student involved in suspected child abuse, or neglect.

The School Leader or designee will arrange the interview in a manner that minimizes embarrassment to the child. The principal will not contact the parent/guardian or other person responsible for the child's health or welfare before the interview. District employees will not be present during the interview, except that a campus police officer may be present as an observer or participant in the interview if requested by a representative of the Tulsa City Police Department.

The School Leader will retain the original completed District Child Abuse Report form and send the remaining copies to Tulsa Public Schools (TPS) Health Services District Office by interoffice mail or in person. The school site shall document the case number in the confidential reporting in the District Data Management system. TPS Health Services will maintain a copy of each completed Child Abuse Report form. District personnel will maintain the District Child Abuse Report form and any summaries of confirmed reports of sexual abuse or severe physical abuse received from the Department of Human Services in a confidential manner. Any violation of the confidentiality requirement can be punished by law. Any summaries of confirmed reports of sexual abuse or severe physical abuse received by District personnel shall be destroyed when the student involved reaches the age of 18.