

10 Okl.St. Ann. § 7103



Oklahoma Statutes Annotated [Currentness](#)

Title 10. Children ([Refs & Annos](#))

[Chapter 71](#). Oklahoma Child Abuse Reporting and Prevention Act ([Refs & Annos](#))

→§ **7103. Reporting** of abuse or neglect or birth of chemically-dependent child--Retaliation by employer--  
Contents of report--Violations--Spiritual treatment of child through prayer

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

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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, [\[FN1\]](#) 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.

#### CREDIT(S)

Laws 1965, c. 43, § 2, emerg. eff. March 18, 1965; Laws 1972, c. 236, § 1, emerg. eff. April 7, 1972; Laws 1975, c. 98, § 2, emerg. eff. April 30, 1975; Laws 1977, c. 172, § 2, eff. Oct. 1, 1977; Laws 1980, c. 107, § 1, eff. Oct. 1, 1980; Laws 1985, c. 66, § 1, eff. Nov. 1, 1985; Laws 1986, c. 263, § 5, operative July 1, 1986; [Laws 1987, c. 88, § 2, operative July 1, 1987](#); [Laws 1987, c. 167, § 1, operative July 1, 1987](#); [Laws 1992, c. 265, § 2, emerg. eff. May 25, 1992](#); [Laws 1993, c. 208, § 4, eff. Sept. 1, 1993](#); [Laws 1994, c. 324, § 1, eff. Sept. 1, 1994](#). Renumbered from Title 21, § 846 and amended by [Laws 1995, c. 353, § 3, 20, eff. Nov. 1, 1995](#); [Laws 1998, c. 416, § 12, eff. Nov. 1, 1998](#); [Laws 2000, c. 374, § 31, eff. July 1, 2000](#).

[\[FN1\] Title 10, § 7001-1.1](#) et seq.

#### HISTORICAL AND STATUTORY NOTES

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#### 2005 Electronic Update

The 1998 amendment, in subsection A, in paragraph 1, in the third to the last sentence, substituted "is a victim of abuse or neglect" for "has had physical injury or injuries inflicted upon the child by other than accidental means where the injury appears to have been caused as a result of physical abuse, sexual abuse, or neglect", and "abuse or neglect" for "injury", and rewrote paragraph 4, which prior thereto read:

"The reporting obligations under this section are individual, and no employer, supervisor or administrator shall impede or inhibit the reporting obligations. No employer, supervisor or administrator of a person required to provide information pursuant to this section shall discharge, or in any manner discriminate or retaliate against, any such 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 such person did not perpetrate or inflict such abuse or neglect. Any such employer, supervisor or administrator who discharges, discriminates or retaliates against such person shall be liable for damages, costs and attorney fees. Internal procedures to facilitate reporting and apprise employers, supervisors and administrators of reports may be established provided that they are not inconsistent with the provisions of this section."

, in paragraph 5, deleted ", sexual abuse" following "likelihood of abuse", and substituted "and other previous or current" for "or other"; in subsection B, in paragraph 3, substituted "abuse or neglect" for "child's injuries"; and in subsection E, in paragraph 1, inserted "legal".

Laws 2000, c. 374, § 31, in subsection A, in paragraph 1, in the first sentence, substituted "the Department of Human Services" for "the county office of the Department of Human Services in the county wherein the suspected abuse or neglect occurred", in paragraph 2, substituted "tests positive for alcohol or" for "appears to be a child born in a condition of dependence on", and "Department of Human Services" for "county office of the Department of Human Services in the county in which such birth occurred"; in subsection B, in paragraph 1, substituted "health, safety or welfare" for "care", and in paragraph 4, substituted "If the child has tested positive for alcohol or a" for "The nature and extent of the child's dependence on a".

#### 1998 Main Volume

The 1972 amendment rewrote the first paragraph, which prior thereto read:

"Every 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 seventeen (17) years and every registered nurse examining, attending, or treating such a child in the absence of a physician or surgeon, and having reason to believe that such child has had serious injury or injuries inflicted upon him or her as a result of abuse or neglect, shall report the matter promptly to a public child protective agency, to a public welfare official having responsibility for the enforcement of laws for the protection of children, to the sheriff or the county attorney, or to the police; provided it shall be unlawful for any person to knowingly and willfully fail to promptly report as provided immediately above; and provided further that when attendance with respect to a child is pursuant to the performance of services as a member of the staff of a hospital or similar institution, such staff member shall immediately notify the superintendent, manager, or other person in charge of the institution who shall make the report forthwith. If the report is not made in writing in the first instance, it shall be reduced to writing by the maker thereof as soon as may be after it is initially made by telephone or otherwise and shall contain the names and addresses of the child and his or her parents or other persons responsible for his or her care, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and 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."

, and added the second and third paragraphs.

The 1975 amendment inserted the third paragraph.

The 1977 amendment lettered the first four paragraphs as subsec. A; and added subsection B.

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The 1980 amendment substituted "Department of Human Services" for "Department of Institutions, Social and Rehabilitative Services" throughout the section.

The 1985 amendment, in the first sentence of the first paragraph, inserted "every teacher of any child under the age of eighteen (18) years,".

The 1986 amendment, in subsection A, in the third paragraph, in the second sentence, inserted "or any court-appointed special advocate"; and in subsection B, added the sixth sentence.

Laws 1987, c. 88, § 2, in subsection A, inserted the second sentence, and in the fourth sentence, inserted "the nature and extent of the child's dependence on a controlled dangerous substance".

Laws 1987, c. 167, § 1, in subsection A, in the first sentence of the second paragraph, deleted "immediately" following "shall" and inserted "in accordance with priority guidelines established by the Department of Human Services" and "if the county office finds evidence of abuse and neglect".

The 1992 amendment, in subsection A, inserted the designations of paragraphs 1 and 2 in the former first paragraph, and in paragraph 1 inserted the designations of subparagraphs a to d and deleted "and every" from the end of subparagraph a and "every" from the end of subparagraphs b and c, inserted the designation of subsection B in the former first paragraph, and in the first sentence substituted "It" for "Provided it" and "in this section" for "above"; inserted the designation of subsection C.1 at the beginning of the former second paragraph of subsection A and, in the first sentence, substituted "provided in this section" for "herein provided", and in the second sentence substituted "for the purposes set forth in subsection D of this section" for "which", and added paragraphs 2 and 3; inserted "D. The Child Welfare Division of the Department of Human Services" in the former second paragraph of subsection A to create subsection D; designated the first and second sentences of the former third paragraph of subsection A as subsections E.1 and E.2 respectively; designated the former fourth paragraph of subsection A as subsection F; inserted the designations of subsections G.1 and G.2 in the former subsection B; added subsection G.3; and made other nonsubstantive changes.

The 1993 amendment, in subsection A, in the last paragraph of paragraph 1, inserted ", sexual abuse,", and added paragraph 3; and rewrote subsection F, which prior thereto read:

"No provision of this section shall be construed to mean that a child has been abused or neglected because said child's parent, guardian or custodian in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care of such child."

The 1994 amendment, in subsection A.1, in the last paragraph, substituted "the child" for "him"; rewrote subsection B, which prior thereto read:

"It shall be a misdemeanor for any person to knowingly and willfully fail to promptly report any incident as provided in this section. If the report is not made in writing in the first instance, it shall be reduced to writing by the maker thereof as soon as may be after it is initially made by telephone or otherwise and shall contain the names and addresses of the child and his parents or other persons responsible for his care, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, the nature and extent of the child's dependence on a controlled dangerous substance and 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."

; in subsection C, in the last paragraph of paragraph 2 deleted "and regulations" following "rules" in two places, and in paragraph 3, rewrote the first sentence, which prior thereto read: "Any law enforcement agency receiving a referral as provided in this subsection shall provide the Department of Human Services' local child welfare office with a copy of the report of its investigation resulting from a referral from the Department.", and in the second sentence inserted "of the Department of Human Services"; in subsection D, in the third sentence, deleted "and regulations" following "rules"; in subsection E.2, inserted "for Human Services"; redesignated former subsection F.3

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as subsection G and therein substituted "section" for "subsection" where first appearing; redesignated former subsection G as subsection H and therein, in paragraph 1, in the fifth sentence, substituted "said attorney" for "he" and "as the attorney deems" for "that he deems"; and made other nonsubstantive changes.

The 1995 amendment rewrote the section, which prior thereto read:

"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 has had physical injury or injuries inflicted upon the child by other than accidental means where the injury appears to have been caused as a result of physical abuse, sexual abuse, or neglect, shall report the matter promptly to the county office of the Department of Human Services in the county wherein the suspected injury occurred.

"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 appears to be a child born in a condition of dependence on a controlled dangerous substance shall promptly report the matter to the county office of the Department of Human Services in the county in which such birth occurred.

"3. 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, sexual 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 the examination on which the report was based and any other clinical notes or 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. It shall be a misdemeanor for any person to knowingly and willfully fail to promptly report any incident as provided in this section. If the report is not made in writing in the first instance, it shall be reduced to writing, in accordance with procedures established by the Department of 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 care;

"2. The child's age;

"3. The nature and extent of the child's injuries, including any evidence of previous injuries;

"4. The nature and extent of the child's dependence on 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. 1. The county office receiving any report as provided in this section shall investigate said report in accordance with priority guidelines established by the Department of Human Services and if the county office finds evidence of abuse and neglect forward its findings to the district attorney's office in the county wherein the suspected injury occurred together with its recommendation as to disposition. In addition, a copy of the findings shall be sent to the

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Child Welfare Division of the Department of Human Services for the purposes set forth in subsection E of this section.

"2. Whenever, after a preliminary inquiry or investigation, the Department of Human Services determines that an alleged abuse or neglect of a child:

"a. was perpetrated by someone other than a person responsible for the child's health and welfare, and

"b. does not appear to be attributable to failure on the part of a person responsible for the child's health or welfare to provide protection for the child,

the Department shall immediately verbally notify an appropriate local law enforcement agency for the purpose of conducting a possible criminal investigation. The verbal notification to the local law enforcement agency shall be followed by written referral. After making the referral, the Department shall not be responsible for further investigation of the case unless notice is received from the law enforcement agency as provided by paragraph 3 of this subsection. The Department of Human Services shall promulgate rules for the implementation of the provisions of this subsection. Said rules shall include but not be limited to provision for adequate and appropriate inquiry or investigation by the Department prior to notification of a local law enforcement agency.

" 3. Any law enforcement agency receiving a referral as provided in this subsection shall provide the local child welfare office of the Department of Human Services with a copy of the report of its investigation resulting from a referral from the Department. Whenever, in the course of a criminal investigation related to child abuse or neglect, a law enforcement agency determines that there is cause to believe that the alleged abuse or neglect was perpetrated by a person responsible for the health and welfare of the child or is attributable to failure on the part of a person responsible for the child's health or welfare to provide protection for the child, the law enforcement agency shall immediately verbally contact the local child welfare office of the Department of Human Services for the purpose of an investigation by that office. The verbal notification to the local child welfare office shall be followed by a written referral.

" D. The Child Welfare Division of the Department of Human Services shall be responsible for maintaining a permanent central registry, suitably cross-indexed, of all such reported findings. Any information contained in the central registry shall be available to any county office and to any district attorney's office or public law enforcement agency investigating a report of suspected child abuse or neglect. The Department of Human Services may promulgate rules in furtherance of the provisions of this subsection.

"E. 1. All records concerning child abuse shall be confidential and shall be open to inspection only to persons duly authorized by the state or the United States in connection with the performance of their official duties.

"2. It shall be unlawful and a misdemeanor for the Commission for Human Services, or any employee working under the direction of the Department of Human Services, any other public officer or employee, or any court-appointed special advocate to furnish or permit to be taken off of the records any information therein contained for commercial, political or any other unauthorized purpose.

"F. 1. Nothing in this section shall be construed to mean a child is abused or neglected for the sole reason the parent, 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 [Section 1107 of Title 10 of the Oklahoma Statutes](#), and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

"G. 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.

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"H. 1. In every case filed under Section 843 of this title, the judge of the district court shall appoint an attorney-at-law to appear for and represent a child who is the alleged subject of child abuse in such case. The attorney may be allowed a reasonable fee for such services to be paid from the court fund to be fixed by the district court. The attorney shall be given access to all reports relevant to the case and to any reports of examination of the child's parents or other custodian made pursuant to this section. The attorney shall be charged with the representation of the child's best interests. To that end, said attorney shall make such further investigation as the attorney deems necessary to ascertain the facts, to interview witnesses, examine and cross-examine witnesses at the preliminary hearing and trial, make recommendations to the court and participate further in the proceedings to the degree appropriate for adequately representing the child.

"2. A court-appointed special advocate as defined by [Section 1109 of Title 10 of the Oklahoma Statutes](#) may be appointed to represent a child who is the alleged subject of child abuse or neglect. The court-appointed special advocate shall be given access to all reports relevant to the case and to any reports of examination of the child's parents or other custodian made pursuant to this section.

"3. At such time as the information maintained by the registry provided for by subsection D of this section is indexed by perpetrator and the necessary and appropriate due process procedures are established by the Department of Human Services, a court-appointed special advocate organization, in accordance with the policies and rules of the Department, may utilize the registry for the purpose of completing background screenings of volunteers with the organization."

#### CROSS REFERENCES

Child death review board, compliance with confidentiality requirements of this section, see [Title 10, § 1150.2](#).

Confidential records relating to children, inspection without court order, see [Title 10, § § 7005-1.3, 7005-1.4](#).

Court-appointed special advocate, access to records and reports of examination of child's parent or custodian, see [Title 10, § 7003-3.7](#).

Disclosure of department of human services records without court order, see [Title 10, § 7005-1.4](#).

Record of infants born exposed to alcohol and other harmful substances, based on information collected pursuant to this section, see [Title 63, § 1-550.3](#).

Threatening person who makes report of abuse under this section punishable as felony, see [Title 21, § 455](#).

#### LAW REVIEW AND JOURNAL COMMENTARIES

Alternative models of legal representation for children. 5 Okla.City U.L.Rev. 561 (1980).

"Am I My Bother's Keeper?": Sherrice's Law. 52 Okla.L.Rev. 613 (2000).

Annual Survey of Oklahoma Law:

Insurance--Retroactive application of attorney fee statutes: Analysis of Cox v. American Fidelity Assurance Company. 4 Okla.City U.L.Rev. 256 (1979).

Legal profession--Determining statutory attorney's fees. 6 Okla.City U.L.Rev. 238 (1981).

Child's emotional health--Need for legal protection. 15 Tulsa L.J. 299 (1979).

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Civil action against physician for failure to report cases of suspected child abuse. Richard Allen McDonald. 30 Okla.L.Rev. 482 (1977).

Privileges. Kenneth N. McKinney. 32 Okla.L.Rev. 307 (1979).

[Protecting abused children: A judge's perspective on public law deprived child proceedings and the impact of the Indian Child Welfare Acts.](#) Edward L. Thompson, 15 Am.Indian L.Rev. 1 (1990).

Refusal to consent to emergency medical treatment for minors as child abuse. Gregory S. Taylor. 56 Okla.B.J. 1199 (1985).

Tort recovery for wrongful accusations of child abuse. Tomme J. Fent, 62 Okla.B.J. 3205 (1991).

## RESEARCH REFERENCES

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### Encyclopedias

[16 Am. Jur. Proof of Facts 3d 189](#), Negligent Infliction of Emotional Distress by Health Care Provider.

[38 Am. Jur. Trials 1](#), Professional Liability for Failure to Report Child Abuse.

### Forms

[Vernon's Oklahoma Forms 2d, OK. Unif. Cr. Jury Inst. 3-39](#), Witness Intimidation-Elements.

### Treatises and Practice Aids

[1 Oklahoma Practice Ch. 5 § 2501](#), Privileges Recognized Only as Provided.

[1 Oklahoma Practice Ch. 5 § 2502](#), Attorney-Client Privilege.

[1 Oklahoma Practice Ch. 5 § 2503](#), Physician and Psychotherapist-Patient Privilege.

[1 Oklahoma Practice Ch. 5 § 2504](#), Spousal Privilege.

[1 Oklahoma Practice Ch. 5 § 2505](#), Religious Privilege.

[1 Oklahoma Practice Ch. 5 § 2506](#), Newsman's Privilege.

[1 Oklahoma Practice Ch. 7 § 2501-2513](#), Privileges and Rules of Confidentiality.

[7 Oklahoma Practice § 10.20](#), Unlawfully Influencing or Interfering With Witnesses.

## NOTES OF DECISIONS

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[1.](#) Construction and application

Child abuse reporting statutes do not create a private right of action; while knowing and willful failure to report is a criminal misdemeanor, there is no provision for civil liability. [Paulson v. Sternlof, Okla.Civ.App. Div. 1, 15 P.3d 981 \(2000\)](#), rehearing denied, certiorari denied. Infants  13.5(2); Action  3


Pursuant to [21 O.S.Supp.1994, § 846](#), any person, including a psychotherapist, which includes all forms of professional therapy providers, who has reason to believe a child has been injured as a result of abuse or neglect must report such information, whether the information be current or historical. Op.Atty.Gen. No. 95-18 (March 20, 1995).

Under statute, physicians and other health professionals must report injuries to children under 18 to county office of Department of Human Services in county where injury occurred if injury appears to have been caused by physical abuse or neglect; if injury appears to have been product of criminally injurious conduct, as defined by statute, physician or other health professional must also report matter to nearest appropriate law enforcement agency. Op.Atty.Gen. No. 85-116 (Nov. 8, 1985).


Statute requires every person having reason to believe that a child under the age of 18 has had injuries inflicted upon him by other than accidental means to report the matter to the proper authorities. Op.Atty.Gen. No. 81-288 (Jan. 27, 1982).


Statute is not limited to only physical abuse but covers mental and sexual abuse as well. Op.Atty.Gen. No. 78-202 (Dec. 28, 1978).


[2.](#) Evidence--In general

In prosecution for failure to report injury to minor child, State was not required to prove that bruises on child were actually inflicted by person responsible for child or that defendant knew who that person was; it was sufficient that defendant observed severity of injuries, was aware that child was in exclusive custody of Department of Human Services facility for the benefit of mentally retarded persons, and knew by his observations that bruises could not have resulted from accident. [Capaldi v. State, Okla.Crim.App., 763 P.2d 117 \(1988\)](#). Infants  13

[3.](#) --- Admissibility of evidence


Photographs of injured child taken at hospital on afternoon of day defendant had examined child were relevant to show bruises on child on morning in question when coupled with hospital doctor's expert opinion of age and appearance of bruises, and were thus admissible in prosecution for failure to report injury to minor child. [Capaldi v. State, Okla.Crim.App., 763 P.2d 117 \(1988\)](#). Criminal Law  438(6)

Testimony of physician who was member of suspected child abuse and neglect team was not admitted in violation of *Miranda* in prosecution for injuring a minor child; members of that team were not the equivalent of law enforcement officers by virtue of reporting requirement, and thus *Miranda* was inapplicable. [Boyd v. State, Okla.Crim.App., 743 P.2d 674 \(1987\)](#). Criminal Law  412.1(2)


In prosecution of defendant for murder of her child, testimony of doctor concerning observations and statements which occurred during his examination of child and which led him to believe that there existed child abuse tendencies in the defendant was properly allowed under statute requiring that such observations be reported and statute denying use of physician-patient privilege or similar privilege or rule to exclude such report or related facts in any proceeding in which "such a report or any contents thereof" are sought to be introduced in evidence. [Alexander v. State, Okla.Crim.App., 534 P.2d 1313 \(1975\)](#). Witnesses  211(4)

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4. ---- Sufficiency of evidence

Evidence was sufficient to demonstrate that defendant had reason to believe that student at Department of Human Services facility operated for benefit of mentally retarded persons had suffered nonaccidental injury resulting from neglect and that defendant willfully failed to report injuries to Department, and thus, was sufficient to sustain conviction for failure to report injury to minor. [Capaldi v. State, Okla.Crim.App., 763 P.2d 117 \(1988\)](#). Infants  20


5. Instructions





Jury instruction, which was in substantial language of statute governing failure to report injury to minor child, fairly and accurately stated elements of offense. [Capaldi v. State, Okla.Crim.App., 763 P.2d 117 \(1988\)](#). Infants  20




6. Sentence and punishment

Defendant convicted of failure to report injury to minor child was not entitled to vacation or reduction of \$250 fine, although defendant had difficulty in finding employment, where defendant owned two cars and some small amount of savings and had an income of \$900 per month. [Capaldi v. State, Okla.Crim.App., 763 P.2d 117 \(1988\)](#). Fines  1.5

7. Privileges

The statutory privilege shielding medical and other professionals from claims arising out of statutorily-mandated child abuse reporting extends across all cognizable theories of liability; when reporting constitutes the instrument through which the damage is inflicted it matters not what type of harm flows from reporting or what common-law theory is invoked by those who seek recovery. [Myers v. Lashley, Okla., 44 P.3d 553 \(2002\)](#). Health  768

Absence of evidence to support inference that clinical psychologist made statutorily-mandated report of child sexual abuse in bad faith, or that psychologist's evaluative techniques constituted gross negligence or intentional wrongdoing, barred action by children's father and grandmother, who were wrongly accused of sexual abuse, for intentional and negligent infliction of emotional distress, slander, and professional negligence, as element of scienter was indispensable ingredient in proving lack of good faith. [Myers v. Lashley, Okla., 44 P.3d 553 \(2002\)](#). Damages  57.49; Damages  57.25(4); Libel And Slander  50; Health  751

Absence of evidence that clinical psychologist released medical report stating that children had been sexually abused by their father and grandmother before submitting report to Department of Human Services (DHS) precluded claims by father and grandmother, who were wrongly accused, against psychologist for intentional and negligent infliction of emotional distress, slander, and professional negligence, as, under psychologist's qualified reporting privilege, father and grandmother were not entitled to recover for harm that flowed from psychologist's report to DHS; it was necessary that they show some harm disconnected to consequences of mandatory reporting. [Myers v. Lashley, Okla., 44 P.3d 553 \(2002\)](#). Damages  57.49; Libel And Slander  32; Health  751

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Current with Chapters of the first 2005 First Regular Session effective through July 1, 2005.

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