

1 ENGROSSED HOUSE  
2 BILL NO. 1048

By: Lawson of the House

and

Rosino of the Senate

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4  
5  
6 [ children - definitions - Minor's Public  
7 Guardianship - district attorney - child's attorney  
8 - motion - notice of hearing and service  
9 requirements - visitation - requirements of order -  
10 codification - effective date ]

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

14 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-1-105, is  
15 amended to read as follows:

16 Section 1-1-105. When used in the Oklahoma Children's Code,  
17 unless the context otherwise requires:

18 1. "Abandonment" means:

19 a. the willful intent by words, actions, or omissions not  
20 to return for a child, or

21 b. the failure to maintain a significant parental  
22 relationship with a child through visitation or  
23 communication in which incidental or token visits or  
24 communication are not considered significant, or

1 c. the failure to respond to notice of deprived  
2 proceedings;

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

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

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

20 c. "Sexual exploitation" includes but is not limited to  
21 allowing, permitting, encouraging, or forcing a child  
22 to engage in prostitution, as defined by law, by any  
23 person eighteen (18) years of age or older or by a  
24 person responsible for the health, safety, or welfare

1 of a child, or allowing, permitting, encouraging, or  
2 engaging in the lewd, obscene, or pornographic, as  
3 defined by law, photographing, filming, or depicting  
4 of a child in those acts by a person responsible for  
5 the health, safety, and welfare of the child;

6 3. "Adjudication" means a finding by the court that the  
7 allegations in a petition alleging that a child is deprived are  
8 supported by a preponderance of the evidence;

9 4. "Adjudicatory hearing" means a hearing by the court as  
10 provided by Section 1-4-601 of this title;

11 5. "Age-appropriate or developmentally appropriate" means:

12 a. activities or items that are generally accepted as  
13 suitable for children of the same age or level of  
14 maturity or that are determined to be developmentally  
15 appropriate for a child, based on the development of  
16 cognitive, emotional, physical, and behavioral  
17 capacities that are typical for an age or age group,  
18 and

19 b. in the case of a specific child, activities or items  
20 that are suitable for that child based on the  
21 developmental stages attained by the child with  
22 respect to the cognitive, emotional, physical, and  
23 behavioral capacities of the specific child.  
24

1 In the event that any age-related activities have implications  
2 relative to the academic curriculum of a child, nothing in this  
3 paragraph shall be construed to authorize an officer or employee of  
4 the federal government to mandate, direct, or control a state or  
5 local educational agency, or the specific instructional content,  
6 academic achievement standards and assessments, curriculum, or  
7 program of instruction of a school;

8 6. "Assessment" means a comprehensive review of child safety  
9 and evaluation of family functioning and protective capacities that  
10 is conducted in response to a child abuse or neglect referral that  
11 does not allege a serious and immediate safety threat to a child;

12 7. "Behavioral health" means mental health, substance abuse, or  
13 co-occurring mental health and substance abuse diagnoses, and the  
14 continuum of mental health, substance abuse, or co-occurring mental  
15 health and substance abuse treatment;

16 8. "Child" means any unmarried person under eighteen (18) years  
17 of age;

18 9. "Child advocacy center" means a center and the  
19 multidisciplinary child abuse team of which it is a member that is  
20 accredited by the National Children's Alliance or that is completing  
21 a sixth year of reaccreditation. Child advocacy centers shall be  
22 classified, based on the child population of a district attorney's  
23 district, as follows:

24

- 1           a.    nonurban centers in districts with child populations  
2                    that are less than sixty thousand (60,000), and  
3           b.    midlevel nonurban centers in districts with child  
4                    populations equal to or greater than sixty thousand  
5                    (60,000), but not including Oklahoma and Tulsa  
6                    Counties;

7           10.   "Child with a disability" means any child who has a  
8           physical or mental impairment which substantially limits one or more  
9           of the major life activities of the child, or who is regarded as  
10           having such an impairment by a competent medical professional;

11           11.   "Child-placing agency" means an agency that arranges for or  
12           places a child in a foster family home, family-style living program,  
13           group home, adoptive home, or a successful adulthood program;

14           12.   "Children's emergency resource center" means a community-  
15           based program that may provide emergency care and a safe and  
16           structured homelike environment or a host home for children  
17           providing food, clothing, shelter and hygiene products to each child  
18           served; after-school tutoring; counseling services; life-skills  
19           training; transition services; assessments; family reunification;  
20           respite care; transportation to or from school, doctors'  
21           appointments, visitations and other social, school, court or other  
22           activities when necessary; and a stable environment for children in  
23           crisis who are in custody of the Department of Human Services if  
24           permitted under the Department's policies and regulations, or who

1 have been voluntarily placed by a parent or custodian during a  
2 temporary crisis;

3 13. "Community-based services" or "community-based programs"  
4 means services or programs which maintain community participation or  
5 supervision in their planning, operation, and evaluation.

6 Community-based services and programs may include, but are not  
7 limited to, emergency shelter, crisis intervention, group work, case  
8 supervision, job placement, recruitment and training of volunteers,  
9 consultation, medical, educational, home-based services, vocational,  
10 social, preventive and psychological guidance, training, counseling,  
11 early intervention and diversionary substance abuse treatment,  
12 sexual abuse treatment, transitional living, independent living, and  
13 other related services and programs;

14 14. "Concurrent permanency planning" means, when indicated, the  
15 implementation of two plans for a child entering foster care. One  
16 plan focuses on reuniting the parent and child; the other seeks to  
17 find a permanent out-of-home placement for the child with both plans  
18 being pursued simultaneously;

19 15. "Court-appointed special advocate" or "CASA" means a  
20 responsible adult volunteer who has been trained and is supervised  
21 by a court-appointed special advocate program recognized by the  
22 court, and when appointed by the court, serves as an officer of the  
23 court in the capacity as a guardian ad litem;

24

1       16. "Court-appointed special advocate program" means an  
2 organized program, administered by either an independent, not-for-  
3 profit corporation, a dependent project of an independent, not-for-  
4 profit corporation or a unit of local government, which recruits,  
5 screens, trains, assigns, supervises and supports volunteers to be  
6 available for appointment by the court as guardians ad litem;

7       17. "Custodian" means an individual other than a parent, legal  
8 guardian or Indian custodian, to whom legal custody of the child has  
9 been awarded by the court. As used in this title, the term  
10 "custodian" shall not mean the Department of Human Services;

11       18. "Day treatment" means a nonresidential program which  
12 provides intensive services to a child who resides in the child's  
13 own home, the home of a relative, group home, a foster home or  
14 residential child care facility. Day treatment programs include,  
15 but are not limited to, educational services;

16       19. "Department" means the Department of Human Services;

17       20. "Dependency" means a child who is homeless or without  
18 proper care or guardianship through no fault of his or her parent,  
19 legal guardian, or custodian;

20       21. "Deprived child" means a child:

- 21           a. who is for any reason destitute, homeless, or
- 22                abandoned,
- 23           b. who does not have the proper parental care or
- 24                guardianship,

- 1 c. who has been abused, neglected, or is dependent,
- 2 d. whose home is an unfit place for the child by reason
- 3 of depravity on the part of the parent or legal
- 4 guardian of the child, or other person responsible for
- 5 the health or welfare of the child,
- 6 e. who is a child in need of special care and treatment
- 7 because of the child's physical or mental condition,
- 8 and the child's parents, legal guardian, or other
- 9 custodian is unable or willfully fails to provide such
- 10 special care and treatment. As used in this
- 11 paragraph, a child in need of special care and
- 12 treatment includes, but is not limited to, a child who
- 13 at birth tests positive for alcohol or a controlled
- 14 dangerous substance and who, pursuant to a drug or
- 15 alcohol screen of the child and an assessment of the
- 16 parent, is determined to be at risk of harm or
- 17 threatened harm to the health or safety of a child,
- 18 f. who is a child with a disability deprived of the
- 19 nutrition necessary to sustain life or of the medical
- 20 treatment necessary to remedy or relieve a life-
- 21 threatening medical condition in order to cause or
- 22 allow the death of the child if such nutrition or
- 23 medical treatment is generally provided to similarly
- 24 situated children without a disability or children



1 with disabilities; provided that no medical treatment  
2 shall be necessary if, in the reasonable medical  
3 judgment of the attending physician, such treatment  
4 would be futile in saving the life of the child,

5 g. who, due to improper parental care and guardianship,  
6 is absent from school as specified in Section 10-106  
7 of Title 70 of the Oklahoma Statutes, if the child is  
8 subject to compulsory school attendance,

9 h. whose parent, legal guardian or custodian for good  
10 cause desires to be relieved of custody,

11 i. who has been born to a parent whose parental rights to  
12 another child have been involuntarily terminated by  
13 the court and the conditions which led to the making  
14 of the finding, which resulted in the termination of  
15 the parental rights of the parent to the other child,  
16 have not been corrected, or

17 j. whose parent, legal guardian, or custodian has  
18 subjected another child to abuse or neglect or has  
19 allowed another child to be subjected to abuse or  
20 neglect and is currently a respondent in a deprived  
21 proceeding.

22 Nothing in the Oklahoma Children's Code shall be construed to  
23 mean a child is deprived for the sole reason the parent, legal  
24 guardian, or person having custody or control of a child, in good

1 faith, selects and depends upon spiritual means alone through  
2 prayer, in accordance with the tenets and practice of a recognized  
3 church or religious denomination, for the treatment or cure of  
4 disease or remedial care of such child.

5 Evidence of material, educational or cultural disadvantage as  
6 compared to other children shall not be sufficient to prove that a  
7 child is deprived; the state shall prove that the child is deprived  
8 as defined pursuant to this title.

9 Nothing contained in this paragraph shall prevent a court from  
10 immediately assuming custody of a child and ordering whatever action  
11 may be necessary, including medical treatment, to protect the  
12 child's health or welfare;

13 22. "Developmental disability" means a severe chronic  
14 disability that:

- 15 a. is attributable to a mental or physical impairment or  
16 combination of mental and physical impairments,
- 17 b. is manifested before the person is twenty-two (22)  
18 years of age,
- 19 c. is likely to continue indefinitely,
- 20 d. results in substantial functional limitations in three  
21 or more major life activity areas, which are:
  - 22 (1) self-care,
  - 23 (2) receptive and expressive language,
  - 24 (3) learning,

1           (4) mobility,

2           (5) self-direction,

3           (6) capacity for independent living, and

4           (7) economic self-sufficiency, and

5       e. reflects the person's need for a combination and  
6       sequence of special, interdisciplinary, or generic  
7       care, treatment, or other services which are of  
8       lifelong or extended duration and are individually  
9       planned and coordinated. The term developmental  
10       disability shall not include mentally ill persons, as  
11       those persons are defined by Section 1-103 of Title  
12       43A of the Oklahoma Statutes, whose sole disability is  
13       mental illness;

14       23. "Dispositional hearing" means a hearing by the court as  
15 provided by Section 1-4-706 of this title;

16       ~~23.~~ 24. "Drug-endangered child" means a child who is at risk of  
17 suffering physical, psychological or sexual harm as a result of the  
18 use, possession, distribution, manufacture or cultivation of  
19 controlled substances, or the attempt of any of these acts, by a  
20 person responsible for the health, safety or welfare of the child,  
21 as defined in this section. This term includes circumstances  
22 wherein the substance abuse of the person responsible for the  
23 health, safety or welfare of the child interferes with that person's  
24

1 ability to parent and provide a safe and nurturing environment for  
2 the child;

3 ~~24.~~ 25. "Emergency custody" means the custody of a child prior  
4 to adjudication of the child following issuance of an order of the  
5 district court pursuant to Section 1-4-201 of this title or  
6 following issuance of an order of the district court pursuant to an  
7 emergency custody hearing, as specified by Section 1-4-203 of this  
8 title;

9 ~~25.~~ 26. "Facility" means a place, an institution, a building or  
10 part thereof, a set of buildings, or an area whether or not  
11 enclosing a building or set of buildings used for the lawful custody  
12 and treatment of children;

13 ~~26.~~ 27. "Failure to protect" means failure to take reasonable  
14 action to remedy or prevent child abuse or neglect, and includes the  
15 conduct of a nonabusing parent or guardian who knows the identity of  
16 the abuser or the person neglecting the child, but lies, conceals or  
17 fails to report the child abuse or neglect or otherwise take  
18 reasonable action to end the abuse or neglect;

19 ~~27.~~ 28. "Family-style living program" means a residential  
20 program providing sustained care and supervision to residents in a  
21 homelike environment not located in a building used for commercial  
22 activity;

23 ~~28.~~ 29. "Foster care" or "foster care services" means  
24 continuous twenty-four-hour care and supportive services provided

1 for a child in foster placement including, but not limited to, the  
2 care, supervision, guidance, and rearing of a foster child by the  
3 foster parent;

4 ~~29.~~ 30. "Foster family home" means the private residence of a  
5 foster parent who provides foster care services to a child. Such  
6 term shall include a nonkinship foster family home, a therapeutic  
7 foster family home, or the home of a relative or other kinship care  
8 home;

9 ~~30.~~ 31. "Foster parent eligibility assessment" includes a  
10 criminal background investigation including, but not limited to, a  
11 national criminal history records search based upon the submission  
12 of fingerprints, home assessments, and any other assessment required  
13 by the Department of Human Services, the Office of Juvenile Affairs,  
14 or any child-placing agency pursuant to the provisions of the  
15 Oklahoma Child Care Facilities Licensing Act;

16 ~~31.~~ 32. "Guardian ad litem" means a person appointed by the  
17 court pursuant to the provisions of Section 1-4-306 of this title  
18 having those duties and responsibilities as set forth in that  
19 section. The term "guardian ad litem" shall refer to a court-  
20 appointed special advocate as well as to any other person appointed  
21 pursuant to the provisions of Section 1-4-306 of this title to serve  
22 as a guardian ad litem;

23  
24

1       ~~32.~~ 33. "Guardian ad litem of the estate of the child" means a  
2 person appointed by the court to protect the property interests of a  
3 child pursuant to Section 1-8-108 of this title;

4       ~~33.~~ 34. "Group home" means a residential facility licensed by  
5 the Department to provide full-time care and community-based  
6 services for more than five but fewer than thirteen children;

7       ~~34.~~ 35. "Harm or threatened harm to the health or safety of a  
8 child" means any real or threatened physical, mental, or emotional  
9 injury or damage to the body or mind that is not accidental  
10 including, but not limited to, sexual abuse, sexual exploitation,  
11 neglect, or dependency;

12       ~~35.~~ 36. "Heinous and shocking abuse" includes, but is not  
13 limited to, aggravated physical abuse that results in serious  
14 bodily, mental, or emotional injury. "Serious bodily injury" means  
15 injury that involves:

- 16           a. a substantial risk of death,
- 17           b. extreme physical pain,
- 18           c. protracted disfigurement,
- 19           d. a loss or impairment of the function of a body member,  
20                 organ, or mental faculty,
- 21           e. an injury to an internal or external organ or the  
22                 body,
- 23           f. a bone fracture,
- 24           g. sexual abuse or sexual exploitation,

- 1 h. chronic abuse including, but not limited to, physical,
- 2 emotional, or sexual abuse, or sexual exploitation
- 3 which is repeated or continuing,
- 4 i. torture that includes, but is not limited to,
- 5 inflicting, participating in or assisting in
- 6 inflicting intense physical or emotional pain upon a
- 7 child repeatedly over a period of time for the purpose
- 8 of coercing or terrorizing a child or for the purpose
- 9 of satisfying the craven, cruel, or prurient desires
- 10 of the perpetrator or another person, or
- 11 j. any other similar aggravated circumstance;

12 ~~36.~~ 37. "Heinous and shocking neglect" includes, but is not  
13 limited to:

- 14 a. chronic neglect that includes, but is not limited to,
- 15 a persistent pattern of family functioning in which
- 16 the caregiver has not met or sustained the basic needs
- 17 of a child which results in harm to the child,
- 18 b. neglect that has resulted in a diagnosis of the child
- 19 as a failure to thrive,
- 20 c. an act or failure to act by a parent that results in
- 21 the death or near death of a child or sibling, serious
- 22 physical or emotional harm, sexual abuse, sexual
- 23 exploitation, or presents an imminent risk of serious
- 24 harm to a child, or

1           d.    any other similar aggravating circumstance;

2       ~~37.~~ 38. "Individualized service plan" means a document written  
3 pursuant to Section 1-4-704 of this title that has the same meaning  
4 as "service plan" or "treatment plan" where those terms are used in  
5 the Oklahoma Children's Code;

6       ~~38.~~ 39. "Infant" means a child who is twelve (12) months of age  
7 or younger;

8       ~~39.~~ 40. "Institution" means a residential facility offering  
9 care and treatment for more than twenty residents;

10       ~~40.~~

11       41. a.    "Investigation" means a response to an allegation of  
12 abuse or neglect that involves a serious and immediate  
13 threat to the safety of the child, making it necessary  
14 to determine:

15               (1) the current safety of a child and the risk of  
16               subsequent abuse or neglect, and

17               (2) whether child abuse or neglect occurred and  
18               whether the family needs prevention- and  
19               intervention-related services.

20       b.    "Investigation" results in a written response stating  
21 one of the following findings:

22               (1) "substantiated" means the Department has  
23               determined, after an investigation of a report of  
24               child abuse or neglect and based upon some



1 credible evidence, that child abuse or neglect  
2 has occurred. When child abuse or neglect is  
3 substantiated, the Department may recommend:

4 (a) court intervention if the Department finds  
5 the health, safety, or welfare of the child  
6 is threatened, or

7 (b) child abuse and neglect prevention- and  
8 intervention-related services for the child,  
9 parents or persons responsible for the care  
10 of the child if court intervention is not  
11 determined to be necessary,

12 (2) "unsubstantiated" means the Department has  
13 determined, after an investigation of a report of  
14 child abuse or neglect, that insufficient  
15 evidence exists to fully determine whether child  
16 abuse or neglect has occurred. If child abuse or  
17 neglect is unsubstantiated, the Department may  
18 recommend, when determined to be necessary, that  
19 the parents or persons responsible for the care  
20 of the child obtain child abuse and neglect  
21 prevention- and intervention-related services, or

22 (3) "ruled out" means a report in which a child  
23 protective services specialist has determined,  
24 after an investigation of a report of child abuse

1 or neglect, that no child abuse or neglect has  
2 occurred;

3 ~~41.~~ 42. "Kinship care" means full-time care of a child by a  
4 kinship relation;

5 ~~42.~~ 43. "Kinship guardianship" means a permanent guardianship  
6 as defined in this section;

7 ~~43.~~ 44. "Kinship relation" or "kinship relationship" means  
8 relatives, stepparents, or other responsible adults who have a bond  
9 or tie with a child and/or to whom has been ascribed a family  
10 relationship role with the child's parents or the child; provided,  
11 however, in cases where the Indian Child Welfare Act applies, the  
12 definitions contained in 25 U.S.C., Section 1903 shall control;

13 ~~44.~~ 45. "Mental health facility" means a mental health or  
14 substance abuse treatment facility as defined by the Inpatient  
15 Mental Health and Substance Abuse Treatment of Minors Act;

16 ~~45.~~ 46. "Minor" means the same as the term "child" as defined  
17 in this section;

18 ~~46.~~ 47. "Minor in need of treatment" means a child in need of  
19 mental health or substance abuse treatment as defined by the  
20 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

21 ~~47.~~ 48. "Multidisciplinary child abuse team" means any team  
22 established pursuant to Section 1-9-102 of this title of three or  
23 more persons who are trained in the prevention, identification,  
24 investigation, prosecution, and treatment of physical and sexual

1 child abuse and who are qualified to facilitate a broad range of  
2 prevention- and intervention-related services and services related  
3 to child abuse. For purposes of this definition, "freestanding"  
4 means a team not used by a child advocacy center for its  
5 accreditation;

6 ~~48.~~ 49. "Near death" means a child is in serious or critical  
7 condition, as certified by a physician, as a result of abuse or  
8 neglect;

9 ~~49.~~

10 50. a. "Neglect" means:

11 (1) the failure or omission to provide any of the  
12 following:

13 (a) adequate nurturance and affection, food,  
14 clothing, shelter, sanitation, hygiene, or  
15 appropriate education,

16 (b) medical, dental, or behavioral health care,

17 (c) supervision or appropriate caretakers to  
18 protect the child from harm or threatened  
19 harm of which any reasonable and prudent

20 person responsible for the child's health,  
21 safety or welfare would be aware, or

22 (d) special care made necessary for the child's  
23 health and safety by the physical or mental  
24 condition of the child,

1 (2) the failure or omission to protect a child from  
2 exposure to any of the following:

3 (a) the use, possession, sale, or manufacture of  
4 illegal drugs,

5 (b) illegal activities, or

6 (c) sexual acts or materials that are not age-  
7 appropriate, or

8 (3) abandonment.

9 b. "Neglect" shall not mean a child who engages in  
10 independent activities, except if the person  
11 responsible for the child's health, safety or welfare  
12 willfully disregards any harm or threatened harm to  
13 the child, given the child's level of maturity,  
14 physical condition or mental abilities. Such  
15 independent activities include but are not limited to:

16 (1) traveling to and from school including by  
17 walking, running or bicycling,

18 (2) traveling to and from nearby commercial or  
19 recreational facilities,

20 (3) engaging in outdoor play,

21 (4) remaining at home unattended for a reasonable  
22 amount of time,

23 (5) remaining in a vehicle if the temperature inside  
24 the vehicle is not or will not become dangerously

1 hot or cold, except under the conditions  
2 described in Section 11-1119 of Title 47 of the  
3 Oklahoma Statutes, or

4 (6) engaging in similar activities alone or with  
5 other children.

6 Nothing in this paragraph shall be construed to mean a child is  
7 abused or neglected for the sole reason the parent, legal guardian  
8 or person having custody or control of a child, in good faith,  
9 selects and depends upon spiritual means alone through prayer, in  
10 accordance with the tenets and practice of a recognized church or  
11 religious denomination, for the treatment or cure of disease or  
12 remedial care of such child. Nothing contained in this paragraph  
13 shall prevent a court from immediately assuming custody of a child,  
14 pursuant to the Oklahoma Children's Code, and ordering whatever  
15 action may be necessary, including medical treatment, to protect the  
16 child's health or welfare;

17 51. "Office of Public Guardian" means the Office of Public  
18 Guardian within the Oklahoma Department of Human Services, created  
19 pursuant to Section 6-101 of Title 30 of the Oklahoma Statutes;

20 ~~50.~~ 52. "Permanency hearing" means a hearing by the court  
21 pursuant to Section 1-4-811 of this title;

22 ~~51.~~ 53. "Permanent custody" means the court-ordered custody of  
23 an adjudicated deprived child when a parent-child relationship no  
24

1 longer exists due to termination of parental rights or due to the  
2 death of a parent or parents;

3 ~~52.~~ 54. "Permanent guardianship" means a judicially created  
4 relationship between a child, a kinship relation of the child, or  
5 other adult established pursuant to the provisions of Section 1-4-  
6 709 of this title;

7 ~~53.~~ 55. "Person responsible for a child's health, safety, or  
8 welfare" includes a parent; a legal guardian; custodian; a foster  
9 parent; a person eighteen (18) years of age or older with whom the  
10 child's parent cohabitates or any other adult residing in the home  
11 of the child; an agent or employee of a public or private  
12 residential home, institution, facility or day treatment program as  
13 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or  
14 an owner, operator, or employee of a child care facility as defined  
15 by Section 402 of Title 10 of the Oklahoma Statutes;

16 ~~54.~~ 56. "Plan of safe care" means a plan developed for an  
17 infant with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum  
18 Disorder upon release from the care of a health care provider that  
19 addresses the health and substance use treatment needs of the infant  
20 and mother or caregiver;

21 ~~55.~~ 57. "Protective custody" means custody of a child taken by  
22 a law enforcement officer or designated employee of the court  
23 without a court order;

24

1       ~~56.~~ 58. "Putative father" means an alleged father as that term  
2 is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

3       ~~57.~~ 59. "Qualified residential treatment program" means a  
4 program that:

- 5           a. has a trauma-informed treatment model that is designed  
6           to address the needs including clinical needs as  
7           appropriate, of children with serious emotional or  
8           behavioral disorders or disturbances and, with respect  
9           to a child, is able to implement the treatment  
10          identified for the child from a required assessment,
- 11          b. has registered or licensed nursing staff and other  
12          licensed clinical staff who:
  - 13               (1) provide care within the scope of their practice  
14               as defined by the laws of this state,
  - 15               (2) are on-site according to the treatment model  
16               referred to in subparagraph a of this paragraph,  
17               and
  - 18               (3) are available twenty-four (24) hours a day and  
19               seven (7) days a week,
- 20          c. to the extent appropriate, and in accordance with the  
21          child's best interest, facilitates participation of  
22          family members in the child's treatment program,
- 23          d. facilitates outreach to the family members of the  
24          child including siblings, documents how the outreach

1 is made including contact information, and maintains  
2 contact information for any known biological family of  
3 the child,

4 e. documents how family members are integrated into the  
5 treatment process for the child including post-  
6 discharge, and how sibling connections are maintained,

7 f. provides discharge planning and family-based aftercare  
8 support for at least six (6) months post-discharge,  
9 and

10 g. is licensed and accredited by any of the following  
11 independent, not-for-profit organizations:

12 (1) The Commission on Accreditation of Rehabilitation  
13 Facilities (CARF),

14 (2) The Joint Commission on Accreditation of  
15 Healthcare Organizations (JCAHO),

16 (3) The Council on Accreditation (COA), or

17 (4) any other federally approved independent, not-  
18 for-profit accrediting organization;

19 ~~58.~~ 60. "Reasonable and prudent parent standard" means the  
20 standard characterized by careful and sensible parental decisions  
21 that maintain the health, safety, and best interests of a child  
22 while at the same time encouraging the emotional and developmental  
23 growth of the child. This standard shall be used by the child's  
24 caregiver when determining whether to allow a child to participate



1 in extracurricular, enrichment, cultural, and social activities.  
2 For purposes of this definition, the term "caregiver" means a foster  
3 parent with whom a child in foster care has been placed, a  
4 representative of a group home where a child has been placed or a  
5 designated official for a residential child care facility where a  
6 child in foster care has been placed;

7 ~~59.~~ 61. "Relative" means a grandparent, great-grandparent,  
8 brother or sister of whole or half blood, aunt, uncle or any other  
9 person related to the child;

10 ~~60.~~ 62. "Residential child care facility" means a twenty-four-  
11 hour residential facility where children live together with or are  
12 supervised by adults who are not their parents or relatives;

13 ~~61.~~ 63. "Review hearing" means a hearing by the court pursuant  
14 to Section 1-4-807 of this title;

15 ~~62.~~ 64. "Risk" means the likelihood that an incident of child  
16 abuse or neglect will occur in the future;

17 ~~63.~~ 65. "Safety threat" means the threat of serious harm due to  
18 child abuse or neglect occurring in the present or in the very near  
19 future and without the intervention of another person, a child would  
20 likely or in all probability sustain severe or permanent disability  
21 or injury, illness, or death;

22 ~~64.~~ 66. "Safety analysis" means action taken by the Department  
23 in response to a report of alleged child abuse or neglect that may  
24 include an assessment or investigation based upon an analysis of the

1 information received according to priority guidelines and other  
2 criteria adopted by the Department;

3 ~~65.~~ 67. "Safety evaluation" means evaluation of a child's  
4 situation by the Department using a structured, evidence-based tool  
5 to determine if the child is subject to a safety threat;

6 ~~66.~~ 68. "Secure facility" means a facility which is designed  
7 and operated to ensure that all entrances and exits from the  
8 facility are subject to the exclusive control of the staff of the  
9 facility, whether or not the juvenile being detained has freedom of  
10 movement within the perimeter of the facility, or a facility which  
11 relies on locked rooms and buildings, fences, or physical restraint  
12 in order to control behavior of its residents;

13 ~~67.~~ 69. "Sibling" means a biologically or legally related  
14 brother or sister of a child. This includes an individual who  
15 satisfies at least one of the following conditions with respect to a  
16 child:

- 17 a. the individual is considered by state law to be a  
18 sibling of the child, or  
19 b. the individual would have been considered a sibling  
20 under state law but for a termination or other  
21 disruption of parental rights, such as the death of a  
22 parent;

23 ~~68.~~ 70. "Specialized foster care" means foster care provided to  
24 a child in a foster home or agency-contracted home which:

- 1 a. has been certified by the Developmental Disabilities  
2 Services Division of the Department of Human Services,  
3 b. is monitored by the Division, and  
4 c. is funded through the Home- and Community-Based Waiver  
5 Services Program administered by the Division;

6 ~~69.~~ 71. "Successful adulthood program" means a program  
7 specifically designed to assist a child to enhance those skills and  
8 abilities necessary for successful adult living. A successful  
9 adulthood program may include, but shall not be limited to, such  
10 features as minimal direct staff supervision, and the provision of  
11 supportive services to assist children with activities necessary for  
12 finding an appropriate place of residence, completing an education  
13 or vocational training, obtaining employment, or obtaining other  
14 similar services;

15 ~~70.~~ 72. "Temporary custody" means court-ordered custody of an  
16 adjudicated deprived child;

17 ~~71.~~ 73. "Therapeutic foster family home" means a foster family  
18 home which provides specific treatment services, pursuant to a  
19 therapeutic foster care contract, which are designed to remedy  
20 social and behavioral problems of a foster child residing in the  
21 home;

22 ~~72.~~ 74. "Trafficking in persons" means sex trafficking or  
23 severe forms of trafficking in persons as described in Section 7102  
24 of Title 22 of the United States Code:

1 a. "sex trafficking" means the recruitment, harboring,  
2 transportation, provision, obtaining, patronizing or  
3 soliciting of a person for the purpose of a commercial  
4 sex act, and

5 b. "severe forms of trafficking in persons" means:

6 (1) sex trafficking in which a commercial sex act is  
7 induced by force, fraud, or coercion, or in which  
8 the person induced to perform such act has not  
9 attained eighteen (18) years of age, or

10 (2) the recruitment, harboring, transportation,  
11 provision, obtaining, patronizing or soliciting  
12 of a person for labor or services, through the  
13 use of force, fraud, or coercion for the purpose  
14 of subjection to involuntary servitude, peonage,  
15 debt bondage, or slavery;

16 ~~73.~~ 75. "Transitional living program" means a residential  
17 program that may be attached to an existing facility or operated  
18 solely for the purpose of assisting children to develop the skills  
19 and abilities necessary for successful adult living. The program  
20 may include, but shall not be limited to, reduced staff supervision,  
21 vocational training, educational services, employment and employment  
22 training, and other appropriate independent living skills training  
23 as a part of the transitional living program; and  
24

1        ~~74.~~ 76. "Voluntary foster care placement" means the temporary  
2 placement of a child by the parent, legal guardian or custodian of  
3 the child in foster care pursuant to a signed placement agreement  
4 between the Department or a child-placing agency and the child's  
5 parent, legal guardian or custodian.

6        SECTION 2.        NEW LAW        A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1-4-815 of Title 10A, unless  
8 there is created a duplication in numbering, reads as follows:

9        A. The court may establish a Minor's Public Guardianship  
10 between a child and the Office of Public Guardian if the court  
11 agrees a guardianship is in the child's best interest and that all  
12 of the following conditions are substantially satisfied:

13        1. The child has been adjudicated to be a deprived child;

14        2. The parent(s) has:

15            a. had his or her parental rights terminated,

16            b. failed to be identified or has not been located

17                    despite reasonably diligent efforts to ascertain the

18                    whereabouts of the parent, or

19            c. died;

20        3. The child has been assessed as developmentally disabled;

21        4. The child consents to the guardianship if the court finds  
22 the child to be of sufficient intelligence, understanding, and  
23 experience to provide consent or the court receives a recommendation  
24

1 from the child's guardian ad litem that the guardianship is in the  
2 child's best interest;

3 5. Termination of the parent's rights is either not legally  
4 possible because the parent has not been located or is deceased, or  
5 termination has occurred and adoption is not the permanency plan for  
6 the child;

7 6. The Office of the Public Guardian agrees and is committed to  
8 providing oversight of placement and care for the child until the  
9 child reaches the age of majority and to preparing the child for  
10 adulthood;

11 7. The Office of the Public Guardian agrees not to return the  
12 child to the care of the person from whom the child was removed nor  
13 to allow visitation without the approval of the court; and

14 8. A specific family-like placement for the child has been  
15 identified by the Developmental Disabilities Services Division of  
16 Oklahoma Human Services, and the child has been residing in the  
17 placement for at least one (1) year.

18 B. In proceedings for a Minor's Public Guardianship, the court  
19 shall give primary consideration to the physical and behavioral  
20 health needs of the child.

21 SECTION 3. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-4-816 of Title 10A, unless  
23 there is created a duplication in numbering, reads as follows:

24

1       A. The district attorney or child's attorney shall file a  
2 motion for a Minor's Public Guardianship with the juvenile court in  
3 the deprived case. The motion shall be verified by the Office of  
4 Public Guardian and shall include the following:

- 5       1. The name, gender, and date of birth of the child;
- 6       2. The facts and circumstances supporting the grounds for a  
7 Minor's Public Guardianship;
- 8       3. A statement that the Office of Public Guardian agrees to  
9 accept the duties and responsibility of a Minor's Public  
10 Guardianship, and that the Office of Public Guardian will be  
11 responsible for oversight of placement and care for the child until  
12 the child reaches the age of majority;
- 13       4. Whether the child has resided in the placement prior to the  
14 motion being filed, and if so, the length of time and the  
15 circumstances surrounding the child's stay in the placement; and
- 16       5. Whether there exists a caring, emotional tie between the  
17 child and the placement.

18       B. Notice of the hearing as well as a copy of the motion shall  
19 be served upon the parties, the Department of Human Services, and  
20 the guardian ad litem of the child. Notice shall also be sent to  
21 the tribe of an Indian child as defined by the federal Indian Child  
22 Welfare Act. Service shall not be required on the parent whose  
23 rights have been previously terminated.

24

1 C. Before issuing an order of a Minor's Public Guardianship,  
2 the court shall find by clear and convincing evidence all of the  
3 following:

4 1. Termination of parental rights is either not legally  
5 possible because the parent has not been located or is deceased, or  
6 termination has occurred and adoption is not the permanency plan for  
7 the child;

8 2. The child has resided in his or her current placement for at  
9 least one (1) year;

10 3. A Minor's Public Guardianship is in the best interests of  
11 the child; and

12 4. The Office of Public Guardian has expressly committed to  
13 remain the guardian to maintain oversight of placement and care for  
14 the duration of the child's minority.

15 D. Upon finding that grounds exist for a Minor's Public  
16 Guardianship, the court may also order visitation with siblings or  
17 other relatives of the child if such contact would be in the child's  
18 best interests as well as any other provision necessary to provide  
19 for the child's continuing safety and well-being. The court shall  
20 order the parents to contribute to the support of the child pursuant  
21 to child-support guidelines as provided for in Sections 118 and 119  
22 of Title 43 of the Oklahoma Statutes.

23 E. An order establishing a Minor's Public Guardianship and  
24 appointing the Office of Public Guardian shall:



1           1. Require that the circumstances of the placement and well-  
2 being of the child be reviewed within one (1) year after appointment  
3 and each year thereafter, and may require the Office of Public  
4 Guardian to submit any records or reports the court deems necessary  
5 for purposes of such review;

6           2. Divest the Department of legal custody of the child.

7           SECTION 4.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1-4-817 of Title 10A, unless  
9 there is created a duplication in numbering, reads as follows:

10          A. A motion for modification or termination of the guardianship  
11 may be filed by the Office of Public Guardian, the child, or the  
12 district attorney. A modification or termination may also be  
13 ordered by the court on its own initiative. An order for  
14 modification or termination of the Minor's Public Guardianship may  
15 only be entered after notice and opportunity for hearing and shall  
16 be based on a finding that there has been a substantial change of  
17 material circumstances including, but not limited to, the following:

18           1. The Office of Public Guardian is unable to properly exercise  
19 oversight over placement and care of the child;

20           2. The child has been abused or neglected in placement, under  
21 the oversight of the Office of the Public Guardian.

22          B. The court shall appoint a guardian ad litem for the child in  
23 any proceeding for modification or termination of a Minor's Public  
24 Guardianship.

1 C. The court may modify or terminate the order granting a  
2 Minor's Public Guardianship upon a finding by clear and convincing  
3 evidence that there has been a substantial change in material  
4 circumstances and that a modification or termination of the  
5 guardianship is in the child's best interest.

6 SECTION 5. This act shall become effective November 1, 2024.

7 Passed the House of Representatives the 4th day of March, 2024.

8

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

10

11

12 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2024.

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Presiding Officer of the Senate

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