

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1048

By: Lawson of the House

and

Rosino of the Senate

6
7
8
9 COMMITTEE SUBSTITUTE

10 [children - definitions - public guardianship of a
11 minor - district attorney - child's attorney - motion
12 - notice of hearing and service requirements -
visitation - requirements of order - codification -
effective date]

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14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

18 Section 1-1-105. ~~When~~ As used in the Oklahoma Children's Code,
19 unless the context otherwise requires:

20 1. "Abandonment" means:

- 21 a. the willful intent by words, actions, or omissions not
22 to return for a child, ~~or~~
- 23 b. the failure to maintain a significant parental
24 relationship with a child through visitation or

1 communication in which incidental or token visits or
2 communication are not considered significant, or
3 c. the failure to respond to notice of deprived
4 proceedings;

5 2. "Abuse" means harm or threatened harm to the health, safety,
6 or welfare of a child by a person responsible for the child's
7 health, safety, or welfare, including but not limited to
8 nonaccidental physical or mental injury, sexual abuse, or sexual
9 exploitation. Provided, however, ~~that nothing contained~~ no
10 provision in the Oklahoma Children's Code shall be construed to
11 prohibit any parent from using ordinary force as a means of
12 discipline including, but not limited to, spanking, switching, or
13 paddling. As used in the Oklahoma Children's Code:

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

20 b. ~~"Sexual~~ "sexual abuse" includes but is not limited to
21 rape, incest, and lewd or indecent acts or proposals
22 made to a child, as defined by law, by a person
23 responsible for the health, safety, or welfare of the
24 child, and

1 c. ~~Sexual~~ sexual exploitation" includes but is not
2 limited to allowing, permitting, encouraging, or
3 forcing a child to engage in prostitution, as defined
4 by law, by any person eighteen (18) years of age or
5 older or by a person responsible for the health,
6 safety, or welfare of a child, or allowing,
7 permitting, encouraging, or engaging in the lewd,
8 obscene, or pornographic, as defined by law,
9 photographing, filming, or depicting of a child in
10 those acts by a person responsible for the health,
11 safety, and welfare of the child;

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

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

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

18 a. activities or items that are generally accepted as
19 suitable for children of the same age or level of
20 maturity or that are determined to be developmentally
21 appropriate for a child, based on the development of
22 cognitive, emotional, physical, and behavioral
23 capacities that are typical for an age or age group,
24 and

1 b. in the case of a specific child, activities or items
2 that are suitable for that child based on the
3 developmental stages attained by the child with
4 respect to the cognitive, emotional, physical, and
5 behavioral capacities of the specific child.

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

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

17 7. "Behavioral health" means mental health, substance abuse, or
18 co-occurring mental health and substance abuse diagnoses, and the
19 continuum of mental health, substance abuse, or co-occurring mental
20 health and substance abuse treatment;

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

23 9. "Child advocacy center" means a center and the
24 multidisciplinary child abuse team of which it is a member that is

1 accredited by the National Children's Alliance or that is completing
2 a sixth year of reaccreditation. Child advocacy centers shall be
3 classified, based on the child population of a district attorney's
4 district, as follows:

- 5 a. nonurban centers in districts with child populations
6 that are less than sixty thousand (60,000), and
- 7 b. midlevel nonurban centers in districts with child
8 populations equal to or greater than sixty thousand
9 (60,000), but not including Oklahoma and Tulsa
10 Counties;

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

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

18 12. "Children's emergency resource center" means a community-
19 based program that may provide emergency care and a safe and
20 structured homelike environment or a host home for children
21 providing in crisis who are in the custody of the Department of
22 Human Services if permitted under the Department's policies and
23 regulations or who have been voluntarily placed by a parent or
24 custodian during a temporary crisis. Such centers may provide:

- a. food, clothing, shelter, and hygiene products to each child served,
- b. after-school tutoring,
- c. counseling services,
- d. life-skills training,
- e. transition services,
- f. assessments,
- g. family reunification,
- h. respite care,
- i. transportation to or from school, doctors' appointments, visitations, and other social, school, court, or other activities when necessary, and
- j. a stable environment ~~for children in crisis who are in custody of the Department of Human Services if permitted under the Department's policies and regulations, or who have been voluntarily placed by a parent or custodian during a temporary crisis;~~

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

Community-based services and programs may include, but are not limited to, emergency shelter, crisis intervention, group work, case supervision, job placement, recruitment and training of volunteers, consultation, medical, educational, home-based services, vocational,

1 social, preventive and psychological guidance, training, counseling,
2 early intervention and diversionary substance abuse treatment,
3 sexual abuse treatment, transitional living, independent living, and
4 other related services and programs;

5 14. "Concurrent permanency planning" means, when indicated, the
6 simultaneous implementation of two plans for a child entering foster
7 care. One such plan ~~focuses~~ shall focus on reuniting the parent and
8 child, while the other ~~seeks to find~~ plan shall seek a permanent
9 out-of-home placement for the child ~~with both plans being pursued~~
10 ~~simultaneously~~;

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

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

22 17. "Custodian" means an individual other than a parent, legal
23 guardian, or Indian custodian, to whom legal custody of the child
24

1 has been awarded by the court. As used in this title, the term
2 "~~custodian~~" shall not mean the Department of Human Services;

3 18. "Day treatment" means a nonresidential program which
4 provides intensive services to a child who resides in the child's
5 own home, the home of a relative, a group home, a foster home, or a
6 residential child care facility. Day treatment programs include~~7~~
7 but are not limited to~~7~~ educational services;

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

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

12 21. "Deprived child" means a child:

- 13 a. who is for any reason destitute, homeless, or
14 abandoned,
- 15 b. who does not have the proper parental care or
16 guardianship,
- 17 c. who has been abused, neglected, or is dependent,
- 18 d. whose home is an unfit place for the child by reason
19 of depravity on the part of the parent or legal
20 guardian of the child~~7~~ or other person responsible for
21 the health or welfare of the child,
- 22 e. who is ~~a child~~ in need of special care and treatment
23 because of the child's physical or mental condition~~7~~
24 and the child's parents, legal guardian, or other

1 custodian is unable or willfully fails to provide such
2 special care and treatment. As used in this ~~paragraph~~
3 subparagraph, a child in need of special care and
4 treatment includes, but is not limited to, a child who
5 at birth tests positive for alcohol or a controlled
6 dangerous substance and who, pursuant to a drug or
7 alcohol screen of the child and an assessment of the
8 parent, is determined to be at risk of harm or
9 threatened harm to the health or safety of a child,

10 f. ~~who is a child~~ with a disability deprived of the
11 nutrition necessary to sustain life or of the medical
12 treatment necessary to remedy or relieve a life-
13 threatening medical condition in order to cause or
14 allow the death of the child if such nutrition or
15 medical treatment is generally provided to similarly
16 situated children without a disability or children
17 with disabilities; provided, ~~that~~ no medical treatment
18 shall be necessary if, in the reasonable medical
19 judgment of the attending physician, such treatment
20 would be futile in saving the life of the child,

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

- 1 h. whose parent, legal guardian, or custodian for good
2 cause desires to be relieved of custody,
3 i. who has been born to a parent whose parental rights to
4 another child have been involuntarily terminated by
5 the court and the conditions which led to the making
6 of the finding, which resulted in the termination of
7 the parental rights of the parent to the other child,
8 have not been corrected, or
9 j. whose parent, legal guardian, or custodian has
10 subjected another child to abuse or neglect or has
11 allowed another child to be subjected to abuse or
12 neglect and is currently a respondent in a deprived
13 proceeding.

14 Nothing in the Oklahoma Children's Code shall be construed to
15 mean a child is deprived for the sole reason the parent, legal
16 guardian, or person having custody or control of a child, in good
17 faith, selects and depends upon spiritual means alone through
18 prayer, in accordance with the tenets and practice of a recognized
19 church or religious denomination, for the treatment or cure of
20 disease or remedial care of such child.

21 Evidence of material, educational, or cultural disadvantage as
22 compared to other children shall not be sufficient to prove that a
23 child is deprived; the state shall prove that the child is deprived
24 as defined pursuant to this title.

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

5 22. "Developmental disability" means a severe chronic
6 disability that:

- 7 a. is attributable to a mental or physical impairment or
8 combination of mental and physical impairments,
- 9 b. manifests before the person is twenty-two (22) years
10 of age,
- 11 c. is likely to continue indefinitely,
- 12 d. results in substantial functional limitations in three
13 or more of the following major life activity areas:
 - 14 (1) self-care,
 - 15 (2) receptive and expressive language,
 - 16 (3) learning,
 - 17 (4) mobility,
 - 18 (5) self-direction,
 - 19 (6) capacity for independent living, and
 - 20 (7) economic self-sufficiency, and
- 21 e. reflects the person's need for a combination and
22 sequence of special, interdisciplinary, or generic
23 care, treatment, or other services which are of
24

1 lifelong or extended duration and are individually
2 planned and coordinated.

3 The term developmental disability shall not include persons with
4 mental illness as defined by Section 1-103 of Title 43A of the
5 Oklahoma Statutes, whose sole disability is mental illness;

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

8 ~~23.~~ 24. "Drug-endangered child" means a child who is at risk of
9 suffering physical, psychological, or sexual harm as a result of the
10 use, possession, distribution, manufacture, or cultivation of
11 controlled substances, or the attempt of any ~~of these~~ such acts, by
12 a person responsible for the health, safety, or welfare of the
13 child, as defined in this section. ~~This~~ The term includes
14 circumstances wherein the substance abuse of the person responsible
15 for the health, safety, or welfare of the child interferes with that
16 person's ability to parent and provide a safe and nurturing
17 environment for the child;

18 ~~24.~~ 25. "Emergency custody" means the custody of a child prior
19 to adjudication of the child following issuance of an order of the
20 district court pursuant to Section 1-4-201 of this title or
21 following issuance of an order of the district court pursuant to an
22 emergency custody hearing, ~~as~~ as specified by Section 1-4-203 of this
23 title;

1 ~~25.~~ 26. "Facility" means a place, an institution, a building or
2 part thereof, a set of buildings, or an area whether or not
3 enclosing a building or set of buildings used for the lawful custody
4 and treatment of children;

5 ~~26.~~ 27. "Failure to protect" means failure to take reasonable
6 action to remedy or prevent child abuse or neglect, and includes the
7 conduct of a ~~nonabusing~~ non-abusing parent or guardian who knows the
8 identity of the abuser or the person neglecting the child, but lies,
9 conceals, or fails to report the child abuse or neglect or otherwise
10 take reasonable action to end the abuse or neglect;

11 ~~27.~~ 28. "Family-style living program" means a residential
12 program providing sustained care and supervision to residents in a
13 homelike environment not located in a building used for commercial
14 activity;

15 ~~28.~~ 29. "Foster care" or "foster care services" means
16 continuous twenty-four-hour care and supportive services provided
17 for a child in foster placement including, but not limited to, the
18 care, supervision, guidance, and rearing of a foster child by the
19 foster parent;

20 ~~29.~~ 30. "Foster family home" means the private residence of a
21 foster parent who provides foster care services to a child. ~~Such~~
22 The term ~~shall include~~ includes a ~~nonkinship~~ non-kinship foster
23 family home, a therapeutic foster family home, or the home of a
24 relative or other kinship care home;

1 ~~30.~~ 31. "Foster parent eligibility assessment" includes a
2 criminal background investigation including, but not limited to, a
3 national criminal history records search based upon the submission
4 of fingerprints, home assessments, and any other assessment required
5 by the Department of Human Services, the Office of Juvenile Affairs,
6 or any child-placing agency pursuant to the provisions of the
7 Oklahoma Child Care Facilities Licensing Act;

8 ~~31.~~ 32. "Guardian ad litem" means a person appointed by the
9 court pursuant to the provisions of Section 1-4-306 of this title
10 having ~~those~~ duties and responsibilities as set forth in that
11 section. The term ~~"guardian ad litem" shall refer to~~ includes a
12 court-appointed special advocate ~~as well as to~~ and any other person
13 appointed pursuant to the provisions of Section 1-4-306 of this
14 title to serve as a guardian ad litem;

15 ~~32.~~ 33. "Guardian ad litem of the estate of the child" means a
16 person appointed by the court to protect the property interests of a
17 child pursuant to Section 1-8-108 of this title;

18 ~~33.~~ 34. "Group home" means a residential facility licensed by
19 the Department to provide full-time care and community-based
20 services for more than five but fewer than thirteen children;

21 ~~34.~~ 35. "Harm or threatened harm to the health or safety of a
22 child" means any real or threatened physical, mental, or emotional
23 injury or damage to the body or mind that is not accidental
24

1 including, but not limited to, sexual abuse, sexual exploitation,
2 neglect, or dependency;

3 ~~35.~~ 36. "Heinous and shocking abuse" includes, but is not
4 limited to, aggravated physical abuse that results in serious
5 bodily, mental, or emotional injury. "Serious bodily injury" means
6 injury that involves:

- 7 a. a substantial risk of death,
- 8 b. extreme physical pain,
- 9 c. protracted disfigurement,
- 10 d. a loss or impairment of the function of a body member,
11 organ, or mental faculty,
- 12 e. an injury to an internal or external organ or the
13 body,
- 14 f. a bone fracture,
- 15 g. sexual abuse or sexual exploitation,
- 16 h. chronic abuse including, but not limited to, physical,
17 emotional, or sexual abuse, or sexual exploitation
18 which is repeated or continuing,
- 19 i. torture that includes, but is not limited to,
20 inflicting, and participating in or assisting in
21 inflicting intense physical or emotional pain upon a
22 child repeatedly over a period of time for the purpose
23 of coercing or terrorizing a child or for the purpose
24

1 of satisfying the craven, cruel, or prurient desires
2 of the perpetrator or another person, or

3 j. any other similar aggravated circumstance;

4 ~~36.~~ 37. "Heinous and shocking neglect" includes, but is not
5 limited to:

6 a. chronic neglect that includes, but is not limited to,
7 a persistent pattern of family functioning in which
8 the caregiver has not met or sustained the basic needs
9 of a child which results in harm to the child,

10 b. neglect that has resulted in a diagnosis of the child
11 as a failure to thrive,

12 c. an act or failure to act by a parent that results in
13 the death or near death of a child or sibling, serious
14 physical or emotional harm, sexual abuse, sexual
15 exploitation, or presents an imminent risk of serious
16 harm to a child, or

17 d. any other similar aggravating circumstance;

18 ~~37.~~ 38. "Individualized service plan" means a document written
19 pursuant to Section 1-4-704 of this title that has the same meaning
20 as "service plan" or "treatment plan" where ~~these~~ such terms are
21 used in the Oklahoma Children's Code;

22 ~~38.~~ 39. "Infant" means a child who is twelve (12) months of age
23 or younger;

1 ~~39.~~ 40. "Institution" means a residential facility offering
2 care and treatment for more than twenty residents;

3 ~~40.~~

4 41. a. "Investigation" means a response to an allegation of
5 abuse or neglect that involves a serious and immediate
6 threat to the safety of the child, making it necessary
7 to determine:

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

10 (2) whether child abuse or neglect occurred and
11 whether the family needs prevention- and
12 intervention-related services.

13 b. ~~"Investigation"~~ An investigation results in a written
14 response stating one of the following findings:

15 (1) "substantiated" means the Department has
16 determined, after an investigation of a report of
17 child abuse or neglect and based upon some
18 credible evidence, that child abuse or neglect
19 has occurred. When child abuse or neglect is
20 substantiated, the Department may recommend:

21 (a) court intervention if the Department finds
22 the health, safety, or welfare of the child
23 is threatened, or
24

1 (b) child abuse and neglect prevention- and
2 intervention-related services for the child,
3 parents, or persons responsible for the care
4 of the child if court intervention is not
5 determined to be necessary,

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

16 (3) "ruled out" means a report in which a child
17 protective services specialist has determined,
18 after an investigation of a report of child abuse
19 or neglect, that no child abuse or neglect has
20 occurred;

21 ~~41.~~ 42. "Kinship care" means full-time care of a child by a
22 kinship relation;

23 ~~42.~~ 43. "Kinship guardianship" means a permanent guardianship
24 as defined in this section;

1 ~~43.~~ 44. "Kinship relation" or "kinship relationship" means
2 relatives, stepparents, or other responsible adults who have a bond
3 or tie with a child ~~and/or~~ or to whom has been ascribed a family
4 relationship role with the child's parents or the child, or both;
5 provided, however, in cases where the Indian Child Welfare Act of
6 1978 applies, the definitions contained in 25 U.S.C., Section 1903
7 shall control;

8 ~~44.~~ 45. "Mental health facility" means ~~a mental health or~~
9 ~~substance abuse treatment facility~~ the same as defined by the
10 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

11 ~~45.~~ 46. "Minor" means the same as ~~the term "child"~~ child as
12 defined in this section;

13 ~~46.~~ 47. "Minor in need of treatment" means ~~a child in need of~~
14 ~~mental health or substance abuse treatment~~ the same as defined by
15 the Inpatient Mental Health and Substance Abuse Treatment of Minors
16 Act;

17 ~~47.~~ 48. "Multidisciplinary child abuse team" means any team
18 established pursuant to Section 1-9-102 of this title of three or
19 more persons who are trained in the prevention, identification,
20 investigation, prosecution, and treatment of physical and sexual
21 child abuse and who are qualified to facilitate a broad range of
22 prevention- and intervention-related services and services related
23 to child abuse. For purposes of this definition, "freestanding"
24

1 means a team not used by a child advocacy center for its
2 accreditation;

3 ~~48.~~ 49. "Near death" means a child is in serious or critical
4 condition, as certified by a physician, as a result of abuse or
5 neglect;

6 ~~49.~~

7 50. a. "Neglect" means:

8 (1) the failure or omission to provide any of the
9 following:

10 (a) adequate nurturance and affection, food,
11 clothing, shelter, sanitation, hygiene, or
12 appropriate education,

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

14 (c) supervision or appropriate caretakers to
15 protect the child from harm or threatened
16 harm of which any reasonable and prudent
17 person responsible for the child's health,
18 safety, or welfare would be aware, or

19 (d) special care made necessary for the child's
20 health and safety by the physical or mental
21 condition of the child,

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

24

- 1 (a) the use, possession, sale, or manufacture of
2 illegal drugs,
3 (b) illegal activities, or
4 (c) sexual acts or materials that are not age-
5 appropriate, or
6 (3) abandonment.

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

- 14 (1) traveling to and from school including by
15 walking, running, or bicycling,
16 (2) traveling to and from nearby commercial or
17 recreational facilities,
18 (3) engaging in outdoor play,
19 (4) remaining at home unattended for a reasonable
20 amount of time,
21 (5) remaining in a vehicle if the temperature inside
22 the vehicle is not or will not become dangerously
23 hot or cold, except under the conditions
24

1 described in Section 11-1119 of Title 47 of the
2 Oklahoma Statutes, or

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

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

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

19 ~~50.~~ 52. "Permanency hearing" means a hearing by the court
20 pursuant to Section 1-4-811 of this title;

21 ~~51.~~ 53. "Permanent custody" means the court-ordered custody of
22 an adjudicated deprived child when a parent-child relationship no
23 longer exists due to termination of parental rights or due to the
24 death of a parent or parents;

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

5 ~~53.~~ 55. "Person responsible for a child's health, safety, or
6 welfare" includes:

7 a. a parent~~+~~l

8 b. a legal guardian~~+~~l

9 c. a custodian~~+~~l

10 d. a foster parent~~+~~l

11 e. a person eighteen (18) years of age or older with whom
12 the child's parent cohabitates or any other adult
13 residing in the home of the child~~+~~l

14 f. an agent or employee of a public or private
15 residential home, institution, facility~~l~~, or day
16 treatment program as defined in Section 175.20 of
17 Title 10 of the Oklahoma Statutes~~+~~l or

18 g. an owner, operator, or employee of a child care
19 facility as defined by Section 402 of Title 10 of the
20 Oklahoma Statutes;

21 ~~54.~~ 56. "Plan of safe care" means a plan developed for an
22 infant with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum
23 Disorder upon release from the care of a health care provider that
24

1 addresses the health and substance use treatment needs of the infant
2 and mother or caregiver;

3 ~~55.~~ 57. "Protective custody" means custody of a child taken by
4 a law enforcement officer or designated employee of the court
5 without a court order;

6 ~~56.~~ 58. "Putative father" means an alleged father as ~~that~~ such
7 term is defined in Section 7700-102 of Title 10 of the Oklahoma
8 Statutes;

9 ~~57.~~ 59. "Qualified residential treatment program" means a
10 program that:

11 a. has a trauma-informed treatment model that is designed
12 to address the needs, including clinical needs as
13 appropriate, of children with serious emotional or
14 behavioral disorders or disturbances and, with respect
15 to a child, is able to implement the treatment
16 identified for the child from a required assessment,

17 b. has registered or licensed nursing staff and other
18 licensed clinical staff who:

19 (1) provide care within the scope of their practice
20 as defined by the laws of this state,

21 (2) are on-site according to the treatment model
22 referred to in subparagraph a of this paragraph,
23 and
24

1 (3) are available twenty-four (24) hours a day and
2 seven (7) days a week,

3 c. to the extent appropriate, and in accordance with the
4 child's best interest, facilitates participation of
5 family members in the child's treatment program,

6 d. facilitates outreach to the family members of the
7 child including siblings, documents how the outreach
8 is made including contact information, and maintains
9 contact information for any known biological family of
10 the child,

11 e. documents how family members are integrated into the
12 treatment process for the child including post-
13 discharge, and how sibling connections are maintained,

14 f. provides discharge planning and family-based aftercare
15 support for at least six (6) months post-discharge,
16 and

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

19 (1) ~~The~~ the Commission on Accreditation of
20 Rehabilitation Facilities (CARF),

21 (2) ~~The~~ the Joint Commission on Accreditation of
22 Healthcare Organizations (JCAHO),

23 (3) ~~The~~ the Council on Accreditation (COA), or
24

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

3 ~~58.~~ 60. "Reasonable and prudent parent standard" means the
4 standard characterized by careful and sensible parental decisions
5 that maintain the health, safety, and best interests of a child
6 while at the same time encouraging the emotional and developmental
7 growth of the child. ~~This~~ Such standard shall be used by the
8 child's caregiver when determining whether to allow a child to
9 participate in extracurricular, enrichment, cultural, and social
10 activities. For purposes of this definition, the term "caregiver"
11 means a foster parent with whom a child in foster care has been
12 placed, a representative of a group home where a child has been
13 placed, or a designated official for a residential child care
14 facility where a child in foster care has been placed;

15 ~~59.~~ 61. "Relative" means a grandparent, great-grandparent,
16 brother, or sister of whole or half blood, aunt, uncle, or any other
17 person related to the child;

18 ~~60.~~ 62. "Residential child care facility" means a twenty-four-
19 hour residential facility where children live together with or are
20 supervised by adults who are not their parents or relatives;

21 ~~61.~~ 63. "Review hearing" means a hearing by the court pursuant
22 to Section 1-4-807 of this title;

23 ~~62.~~ 64. "Risk" means the likelihood that an incident of child
24 abuse or neglect will occur in the future;

1 ~~63.~~ 65. "Safety threat" means the threat of serious harm due to
2 child abuse or neglect occurring in the present or in the very near
3 future and without the intervention of another person, a child would
4 likely or in all probability sustain severe or permanent disability
5 or injury, illness, or death;

6 ~~64.~~ 66. "Safety analysis" means action taken by the Department
7 in response to a report of alleged child abuse or neglect that may
8 include an assessment or investigation based upon an analysis of the
9 information received according to priority guidelines and other
10 criteria adopted by the Department;

11 ~~65.~~ 67. "Safety evaluation" means evaluation of a child's
12 situation by the Department using a structured, evidence-based tool
13 to determine if the child is subject to a safety threat;

14 ~~66.~~ 68. "Secure facility" means a facility which is designed
15 and operated to ensure that all entrances and exits from the
16 facility are subject to the exclusive control of the staff of the
17 facility, whether or not the juvenile being detained has freedom of
18 movement within the perimeter of the facility, or a facility which
19 relies on locked rooms and buildings, fences, or physical restraint
20 in order to control behavior of its residents;

21 ~~67.~~ 69. "Sibling" means a biologically or legally related
22 brother or sister of a child. ~~This~~ The term includes an individual
23 who satisfies at least one of the following conditions with respect
24 to a child:

- 1 a. the individual is considered by state law to be a
2 sibling of the child, or
3 b. the individual would have been considered a sibling
4 under state law but for a termination or other
5 disruption of parental rights, such as the death of a
6 parent;

7 ~~68.~~ 70. "Specialized foster care" means foster care provided to
8 a child in a foster home or agency-contracted home which:

- 9 a. has been certified by the Developmental Disabilities
10 Services Division of the Department of Human Services,
11 b. is monitored by the Division, and
12 c. is funded through ~~the Home and Community-Based Waiver~~
13 ~~Services Program~~ home- and community-based services
14 administered by the Division;

15 ~~69.~~ 71. "Successful adulthood program" means a program
16 specifically designed to assist a child to enhance those skills and
17 abilities necessary for successful adult living. A successful
18 adulthood program may include, but ~~shall~~ not be limited to, such
19 features as minimal direct staff supervision, and the provision of
20 supportive services to assist children with activities necessary for
21 finding an appropriate place of residence, completing an education
22 or vocational training, obtaining employment, or obtaining other
23 similar services;

1 ~~70.~~ 72. "Temporary custody" means court-ordered custody of an
2 adjudicated deprived child;

3 ~~71.~~ 73. "Therapeutic foster family home" means a foster family
4 home which provides specific treatment services, pursuant to a
5 therapeutic foster care contract, which are designed to remedy
6 social and behavioral problems of a foster child residing in the
7 home;

8 ~~72.~~ 74. "Trafficking in persons" means sex trafficking or
9 severe forms of trafficking in persons as described in ~~Section 7102~~
10 ~~of Title 22 of the United States Code~~ 22 U.S.C., Section 7102:

11 a. "sex trafficking" means the recruitment, harboring,
12 transportation, provision, obtaining, patronizing, or
13 soliciting of a person for the purpose of a commercial
14 sex act, and

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

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

20 (2) the recruitment, harboring, transportation,
21 provision, obtaining, patronizing, or soliciting
22 of a person for labor or services, through the
23 use of force, fraud, or coercion for the purpose

24

1 of subjection to involuntary servitude, peonage,
2 debt bondage, or slavery;

3 ~~73.~~ 75. "Transitional living program" means a residential
4 program that may be attached to an existing facility or operated
5 solely for the purpose of assisting children to develop the skills
6 and abilities necessary for successful adult living. The program
7 may include, but ~~shall~~ not be limited to, reduced staff supervision,
8 vocational training, educational services, employment and employment
9 training, and other appropriate independent living skills training
10 as a part of the transitional living program; and

11 ~~74.~~ 76. "Voluntary foster care placement" means the temporary
12 placement of a child by the parent, legal guardian, or custodian of
13 the child in foster care pursuant to a signed placement agreement
14 between the Department or a child-placing agency and the child's
15 parent, legal guardian, or custodian.

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

19 A public guardianship of a minor between a child and the Office
20 of Public Guardian may be established if:

- 21 1. The child has been adjudicated to be a deprived child;
- 22 2. The parent or parents have:
 - 23 a. had parental rights terminated but adoption is not the
24 permanency plan for the child, or

1 b. not had parental rights terminated because the parent
2 has died or has not been identified or located despite
3 reasonably diligent efforts to ascertain his or her
4 identity or location;

5 3. The Office of Public Guardian agrees to:

6 a. provide oversight of placement and care for the child
7 until the child reaches the age of majority and to
8 prepare the child for adulthood, and

9 b. not return the child to the care of the person from
10 whom the child was removed nor allow visitation
11 without the approval of the court; and

12 4. A family-like placement for the child has been identified by
13 the Developmental Disabilities Services Division of the Department
14 of Human Services and the child has been residing in such placement
15 for at least one (1) year.

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

19 A. The district attorney or attorney for a child may file a
20 motion for a public guardianship of a minor with the juvenile court
21 in the case adjudicating the child as deprived. The motion shall be
22 verified by the Office of Public Guardian and shall include:

23 1. The name, gender, and date of birth of the child;

1 2. The facts and circumstances supporting the grounds for a
2 public guardianship of a minor;

3 3. A statement that the proposed public guardianship of a minor
4 satisfies the requirements set forth in Section 2 of this act; and

5 4. The length of time and the circumstances surrounding the
6 child's stay in the current placement and whether there exists a
7 caring, emotional tie between the child and the placement.

8 B. The court shall set a hearing on the motion and provide
9 notice of the hearing and a copy of the motion to the parties, the
10 Department of Human Services, and the guardian ad litem of the
11 child. Notice shall also be sent to the tribe of an Indian child as
12 defined by the federal Indian Child Welfare Act of 1978. Notice
13 shall not be required for a parent whose parental rights have been
14 terminated.

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

18 A. In determining whether to issue an order for a public
19 guardianship of a minor, the court shall give primary consideration
20 to the physical and behavioral health needs of the child. The court
21 shall issue an order for a public guardianship of a minor if:

22 1. The court determines it is in the best interest of the
23 child;

24

1 2. The child consents to the guardianship if the court finds
2 the child to be of sufficient intelligence, understanding, and
3 experience to provide consent or receives a recommendation from the
4 child's guardian ad litem that the guardianship is in the best
5 interest of the child; and

6 3. The court finds by clear and convincing evidence that the
7 proposed public guardianship of a minor satisfies the requirements
8 set forth in Section 2 of this act.

9 B. Upon issuing an order for a public guardianship of a minor,
10 the court may order visitation with siblings or other relatives of
11 the child if such contact would be in the child's best interest and
12 may issue any other order necessary to provide for the child's
13 continuing safety and well-being. Unless parental rights have been
14 terminated, the court shall order the parent or parents of the child
15 to contribute to the support of the child pursuant to child support
16 guidelines as provided in Sections 118 and 119 of Title 43 of the
17 Oklahoma Statutes.

18 C. An order establishing a public guardianship of a minor and
19 appointing the Office of Public Guardian:

20 1. Shall require that the circumstances of the placement and
21 well-being of the child be reviewed within one (1) year after
22 appointment and each year thereafter, and may require the Office of
23 Public Guardian to submit any records or reports the court deems
24 necessary for purposes of such review; and

1 2. May dismiss the deprived action; provided, the order for
2 public guardianship of a minor shall remain in full force and effect
3 with continuing jurisdiction of the court where the deprived action
4 was pending.

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-4-818 of Title 10A, unless
7 there is created a duplication in numbering, reads as follows:

8 A. A motion for modification or termination of a public
9 guardianship of a minor may be filed by the Office of Public
10 Guardian, the attorney for the child, or the district attorney, or
11 may be ordered by the court. The court shall appoint a guardian ad
12 litem for the child in a proceeding for modification or termination.
13 An order for modification or termination may only be entered after
14 notice and opportunity for hearing.

15 B. The court shall enter an order for modification or
16 termination if:

17 1. The court determines the modification or termination is in
18 the best interest of the child; and

19 2. The court finds by clear and convincing evidence that there
20 has been a substantial change of material circumstances including
21 but not limited to:

22 a. the Office of Public Guardian is unable to properly
23 exercise oversight over placement and care of the
24 child; or

1 b. the child has been abused or neglected in placement
2 under the oversight of the Office of Public Guardian.

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