

1 ENGROSSED HOUSE  
2 BILL NO. 1369

By: West (Tammy), McEntire, and  
Lawson of the House

3 and

4 Hall of the Senate

5  
6  
7 An Act relating to children; amending 10A O.S. 2021,  
8 Section 1-1-105, which relates to definitions;  
9 modifying definition; and providing an effective  
10 date.

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

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

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

16 1. "Abandonment" means:

- 17 a. the willful intent by words, actions, or omissions not  
18 to return for a child, or
- 19 b. the failure to maintain a significant parental  
20 relationship with a child through visitation or  
21 communication in which incidental or token visits or  
22 communication are not considered significant, or
- 23 c. the failure to respond to notice of deprived  
24 proceedings;

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

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

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

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

1 defined by law, photographing, filming, or depicting  
2 of a child in those acts by a person responsible for  
3 the health, safety, and welfare of the child;

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

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

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

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

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

22 In the event that any age-related activities have implications  
23 relative to the academic curriculum of a child, nothing in this  
24 paragraph shall be construed to authorize an officer or employee of

1 the federal government to mandate, direct, or control a state or  
2 local educational agency, or the specific instructional content,  
3 academic achievement standards and assessments, curriculum, or  
4 program of instruction of a school;

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

9 7. "Behavioral health" means mental health, substance abuse, or  
10 co-occurring mental health and substance abuse diagnoses, and the  
11 continuum of mental health, substance abuse, or co-occurring mental  
12 health and substance abuse treatment;

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

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

- 21 a. nonurban centers in districts with child populations  
22 that are less than sixty thousand (60,000), and
- 23 b. midlevel nonurban centers in districts with child  
24 populations equal to or greater than sixty thousand

1 (60,000), but not including Oklahoma and Tulsa  
2 Counties;

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

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

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

23 13. "Community-based services" or "community-based programs"  
24 means services or programs which maintain community participation or

1 supervision in their planning, operation, and evaluation.  
2 Community-based services and programs may include, but are not  
3 limited to, emergency shelter, crisis intervention, group work, case  
4 supervision, job placement, recruitment and training of volunteers,  
5 consultation, medical, educational, home-based services, vocational,  
6 social, preventive and psychological guidance, training, counseling,  
7 early intervention and diversionary substance abuse treatment,  
8 sexual abuse treatment, transitional living, independent living, and  
9 other related services and programs;

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

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

20 16. "Court-appointed special advocate program" means an  
21 organized program, administered by either an independent, not-for-  
22 profit corporation, a dependent project of an independent, not-for-  
23 profit corporation or a unit of local government, which recruits,  
24

1 screens, trains, assigns, supervises and supports volunteers to be  
2 available for appointment by the court as guardians ad litem;

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

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

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

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

16 21. "Deprived child" means a child:

- 17 a. who is for any reason destitute, homeless, or
- 18 abandoned,
- 19 b. who does not have the proper parental care or
- 20 guardianship,
- 21 c. who has been abused, neglected, or is dependent,
- 22 d. whose home is an unfit place for the child by reason
- 23 of depravity on the part of the parent or legal
- 24

1 guardian of the child, or other person responsible for  
2 the health or welfare of the child,

3 e. who is a child in need of special care and treatment  
4 because of the child's physical or mental condition,  
5 and the child's parents, legal guardian, or other  
6 custodian is unable or willfully fails to provide such  
7 special care and treatment. As used in this  
8 paragraph, a child in need of special care and  
9 treatment includes, but is not limited to, a child who  
10 at birth tests positive for alcohol or a controlled  
11 dangerous substance and who, pursuant to a drug or  
12 alcohol screen of the child and an assessment of the  
13 parent, is determined to be at risk of harm or  
14 threatened harm to the health or safety of a child,

15 f. who is a child with a disability deprived of the  
16 nutrition necessary to sustain life or of the medical  
17 treatment necessary to remedy or relieve a life-  
18 threatening medical condition in order to cause or  
19 allow the death of the child if such nutrition or  
20 medical treatment is generally provided to similarly  
21 situated children without a disability or children  
22 with disabilities; provided that no medical treatment  
23 shall be necessary if, in the reasonable medical  
24



- 1 judgment of the attending physician, such treatment  
2 would be futile in saving the life of the child,  
3 g. who, due to improper parental care and guardianship,  
4 is absent from school as specified in Section 10-106  
5 of Title 70 of the Oklahoma Statutes, if the child is  
6 subject to compulsory school attendance,  
7 h. whose parent, legal guardian or custodian for good  
8 cause desires to be relieved of custody,  
9 i. who has been born to a parent whose parental rights to  
10 another child have been involuntarily terminated by  
11 the court and the conditions which led to the making  
12 of the finding, which resulted in the termination of  
13 the parental rights of the parent to the other child,  
14 have not been corrected, or  
15 j. whose parent, legal guardian, or custodian has  
16 subjected another child to abuse or neglect or has  
17 allowed another child to be subjected to abuse or  
18 neglect and is currently a respondent in a deprived  
19 proceeding.

20 Nothing in the Oklahoma Children's Code shall be construed to  
21 mean a child is deprived for the sole reason the parent, legal  
22 guardian, or person having custody or control of a child, in good  
23 faith, selects and depends upon spiritual means alone through  
24 prayer, in accordance with the tenets and practice of a recognized

1 church or religious denomination, for the treatment or cure of  
2 disease or remedial care of such child.

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

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

11 22. "Dispositional hearing" means a hearing by the court as  
12 provided by Section 1-4-706 of this title;

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

23 24. "Emergency custody" means the custody of a child prior to  
24 adjudication of the child following issuance of an order of the

1 district court pursuant to Section 1-4-201 of this title or  
2 following issuance of an order of the district court pursuant to an  
3 emergency custody hearing, as specified by Section 1-4-203 of this  
4 title;

5 25. "Facility" means a place, an institution, a building or  
6 part thereof, a set of buildings, or an area whether or not  
7 enclosing a building or set of buildings used for the lawful custody  
8 and treatment of children;

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

15 27. "Family-style living program" means a residential program  
16 providing sustained care and supervision to residents in a homelike  
17 environment not located in a building used for commercial activity;

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

23 29. "Foster family home" means the private residence of a  
24 foster parent who provides foster care services to a child. Such

1 term shall include a nonkinship foster family home, a therapeutic  
2 foster family home, or the home of a relative or other kinship care  
3 home;

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

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

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

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

24

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

6        35. "Heinous and shocking abuse" includes, but is not limited  
7 to, aggravated physical abuse that results in serious bodily,  
8 mental, or emotional injury. "Serious bodily injury" means injury  
9 that involves:

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

1 child repeatedly over a period of time for the purpose  
2 of coercing or terrorizing a child or for the purpose  
3 of satisfying the craven, cruel, or prurient desires  
4 of the perpetrator or another person, or

5 j. any other similar aggravated circumstance;

6 36. "Heinous and shocking neglect" includes, but is not limited  
7 to:

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

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

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

19 d. any other similar aggravating circumstance;

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

1 38. "Infant" means a child who is twelve (12) months of age or  
2 younger;

3 39. "Institution" means a residential facility offering care  
4 and treatment for more than twenty residents;

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

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

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

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

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

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

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

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



1       43. "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 to whom has been ascribed a family  
4 relationship role with the child's parents or the child; provided,  
5 however, in cases where the Indian Child Welfare Act applies, the  
6 definitions contained in 25 U.S.C., Section 1903 shall control;

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

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

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

15       47. "Multidisciplinary child abuse team" means any team  
16 established pursuant to Section 1-9-102 of this title of three or  
17 more persons who are trained in the prevention, identification,  
18 investigation, prosecution, and treatment of physical and sexual  
19 child abuse and who are qualified to facilitate a broad range of  
20 prevention- and intervention-related services and services related  
21 to child abuse. For purposes of this definition, "freestanding"  
22 means a team not used by a child advocacy center for its  
23 accreditation;

24

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

4       49. a. "Neglect" means:

5               (1) the failure or omission to provide any of the  
6 following:

7                   (a) adequate nurturance and affection, food,  
8 clothing, shelter, sanitation, hygiene, or  
9 appropriate education,

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

11                  (c) supervision or appropriate caretakers to  
12 protect the child from harm or threatened

13 harm of which any reasonable and prudent

14 person responsible for the child's health,

15 safety or welfare would be aware, or

16                  (d) special care made necessary for the child's

17 health and safety by the physical or mental

18 condition of the child,

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

21                   (a) the use, possession, sale, or manufacture of  
22 illegal drugs,

23                   (b) illegal activities, or  
24

1 (c) sexual acts or materials that are not age-  
2 appropriate, or

3 (3) abandonment.

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

11 (1) traveling to and from school including by  
12 walking, running or bicycling,

13 (2) traveling to and from nearby commercial or  
14 recreational facilities,

15 (3) engaging in outdoor play,

16 (4) remaining at home unattended for a reasonable  
17 amount of time,

18 (5) remaining in a vehicle if the temperature inside  
19 the vehicle is not or will not become dangerously  
20 hot or cold, except under the conditions  
21 described in Section 11-1119 of Title 47 of the  
22 Oklahoma Statutes, or

23 (6) engaging in similar activities alone or with  
24 other children.

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

12 50. "Permanency hearing" means a hearing by the court pursuant  
13 to Section 1-4-811 of this title;

14 51. "Permanent custody" means the court-ordered custody of an  
15 adjudicated deprived child when a parent-child relationship no  
16 longer exists due to termination of parental rights or due to the  
17 death of a parent or parents;

18 52. "Permanent guardianship" means a judicially created  
19 relationship between a child, a kinship relation of the child, or  
20 other adult established pursuant to the provisions of Section 1-4-  
21 709 of this title;

22 53. "Person responsible for a child's health, safety, or  
23 welfare" includes a parent; a legal guardian; custodian; a foster  
24 parent; a person eighteen (18) years of age or older with whom the

1 child's parent cohabitates or any other adult residing in the home  
2 of the child; an agent or employee of a public or private  
3 residential home, institution, facility or day treatment program as  
4 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or  
5 an owner, operator, or employee of a child care facility as defined  
6 by Section 402 of Title 10 of the Oklahoma Statutes;

7 54. "Plan of safe care" means a plan developed for an infant  
8 with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum  
9 Disorder upon release from the care of a health care provider that  
10 addresses the health and substance use treatment needs of the infant  
11 and mother or caregiver;

12 55. "Protective custody" means custody of a child taken by a  
13 law enforcement officer or designated employee of the court without  
14 a court order;

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

17 57. "Qualified residential treatment program" means a program  
18 that:

19 a. has a trauma-informed treatment model that is designed  
20 to address the needs including clinical needs as  
21 appropriate, of children with serious emotional or  
22 behavioral disorders or disturbances and, with respect  
23 to a child, is able to implement the treatment  
24 identified for the child from a required assessment,

1           b.    has registered or licensed nursing staff and other  
2                licensed clinical staff who:

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

5                (2)   are on-site according to the treatment model  
6                    referred to in subparagraph a of this paragraph,  
7                    and

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

10           c.   to the extent appropriate, and in accordance with the  
11                child's best interest, facilitates participation of  
12                family members in the child's treatment program,

13           d.   facilitates outreach to the family members of the  
14                child including siblings, documents how the outreach  
15                is made including contact information, and maintains  
16                contact information for any known biological family of  
17                the child,

18           e.   documents how family members are integrated into the  
19                treatment process for the child including post-  
20                discharge, and how sibling connections are maintained,

21           f.   provides discharge planning and family-based aftercare  
22                support for at least six (6) months post-discharge,  
23                and

24

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

- 3 (1) The Commission on Accreditation of Rehabilitation  
4 Facilities (CARF),
- 5 (2) The Joint Commission on Accreditation of  
6 Healthcare Organizations (JCAHO),
- 7 (3) The Council on Accreditation (COA), or
- 8 (4) any other federally approved independent, not-  
9 for-profit accrediting organization;

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

22 59. "Relative" means a grandparent, great-grandparent, brother  
23 or sister of whole or half blood, aunt, uncle or any other person  
24 related to the child;

1       60. "Residential child care facility" means a twenty-four-hour  
2 residential facility where children live together with or are  
3 supervised by adults who are not their parents or relatives;

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

6       62. "Risk" means the likelihood that an incident of child abuse  
7 or neglect will occur in the future;

8       63. "Safety threat" means the threat of serious harm due to  
9 child abuse or neglect occurring in the present or in the very near  
10 future and without the intervention of another person, a child would  
11 likely or in all probability sustain severe or permanent disability  
12 or injury, illness, or death;

13       64. "Safety analysis" means action taken by the Department in  
14 response to a report of alleged child abuse or neglect that may  
15 include an assessment or investigation based upon an analysis of the  
16 information received according to priority guidelines and other  
17 criteria adopted by the Department;

18       65. "Safety evaluation" means evaluation of a child's situation  
19 by the Department using a structured, evidence-based tool to  
20 determine if the child is subject to a safety threat;

21       66. "Secure facility" means a facility which is designed and  
22 operated to ensure that all entrances and exits from the facility  
23 are subject to the exclusive control of the staff of the facility,  
24 whether or not the juvenile being detained has freedom of movement



1 within the perimeter of the facility, or a facility which relies on  
2 locked rooms and buildings, fences, or physical restraint in order  
3 to control behavior of its residents;

4 67. "Sibling" means a biologically or legally related brother  
5 or sister of a child. This includes an individual who satisfies at  
6 least one of the following conditions with respect to a child:

- 7 a. the individual is considered by state law to be a  
8 sibling of the child, or
- 9 b. the individual would have been considered a sibling  
10 under state law but for a termination or other  
11 disruption of parental rights, such as the death of a  
12 parent;

13 68. "Specialized foster care" means foster care provided to a  
14 child in a foster home or agency-contracted home which:

- 15 a. has been certified by the Developmental Disabilities  
16 Services Division of the Department of Human Services,
- 17 b. is monitored by the Division, and
- 18 c. is funded through the Home- and Community-Based Waiver  
19 Services Program administered by the Division;

20 69. "Successful adulthood program" means a program specifically  
21 designed to assist a child to enhance those skills and abilities  
22 necessary for successful adult living. A successful adulthood  
23 program may include, but shall not be limited to, such features as  
24 minimal direct staff supervision, and the provision of supportive

1 services to assist children with activities necessary for finding an  
2 appropriate place of residence, completing an education or  
3 vocational training, obtaining employment, or obtaining other  
4 similar services;

5 70. "Temporary custody" means court-ordered custody of an  
6 adjudicated deprived child;

7 71. "Therapeutic foster family home" means a foster family home  
8 which provides specific treatment services, pursuant to a  
9 therapeutic foster care contract, which are designed to remedy  
10 social and behavioral problems of a foster child residing in the  
11 home;

12 72. "Trafficking in persons" means sex trafficking or severe  
13 forms of trafficking in persons as described in Section 7102 of  
14 Title 22 of the United States Code:

15 a. "sex trafficking" means the recruitment, harboring,  
16 transportation, provision, obtaining, patronizing or  
17 soliciting of a person for the purpose of a commercial  
18 sex act, and

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

20 (1) sex trafficking in which a commercial sex act is  
21 induced by force, fraud, or coercion, or in which  
22 the person induced to perform such act has not  
23 attained eighteen (18) years of age, or  
24

1 (2) the recruitment, harboring, transportation,  
2 provision, obtaining, patronizing or soliciting  
3 of a person for labor or services, through the  
4 use of force, fraud, or coercion for the purpose  
5 of subjection to involuntary servitude, peonage,  
6 debt bondage, or slavery;

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

15 74. "Voluntary foster care placement" means the temporary  
16 placement of a child by the parent, legal guardian or custodian of  
17 the child in foster care pursuant to a signed placement agreement  
18 between the Department or a child-placing agency and the child's  
19 parent, legal guardian or custodian.

20 SECTION 2. This act shall become effective November 1, 2023.  
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1 Passed the House of Representatives the 13th day of March, 2023.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate