

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1369

By: West (Tammy)

5  
6  
7 COMMITTEE SUBSTITUTE

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

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

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

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

17 1. "Abandonment" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 36. "Heinous and shocking neglect" includes, but is not limited  
10 to:

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

23 37. "Individualized service plan" means a document written  
24 pursuant to Section 1-4-704 of this title that has the same meaning

1 as "service plan" or "treatment plan" where those terms are used in  
2 the Oklahoma Children's Code;

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

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

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

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

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

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

18 (1) "substantiated" means the Department has  
19 determined, after an investigation of a report of  
20 child abuse or neglect and based upon some  
21 credible evidence, that child abuse or neglect  
22 has occurred. When child abuse or neglect is  
23 substantiated, the Department may recommend:  
24

1 (a) court intervention if the Department finds  
2 the health, safety, or welfare of the child  
3 is threatened, or

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

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

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

24



1       41. "Kinship care" means full-time care of a child by a kinship  
2 relation;

3       42. "Kinship guardianship" means a permanent guardianship as  
4 defined in this section;

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

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

14       45. "Minor" means the same as the term "child" as defined in  
15 this section;

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

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

1 to child abuse. For purposes of this definition, "freestanding"  
2 means a team not used by a child advocacy center for its  
3 accreditation;

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

7 49. 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 50. "Permanency hearing" means a hearing by the court pursuant  
17 to Section 1-4-811 of this title;

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

22 52. "Permanent guardianship" means a judicially created  
23 relationship between a child, a kinship relation of the child, or  
24

1 other adult established pursuant to the provisions of Section 1-4-  
2 709 of this title;

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

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

17 55. "Protective custody" means custody of a child taken by a  
18 law enforcement officer or designated employee of the court without  
19 a court order;

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

22 57. "Qualified residential treatment program" means a program  
23 that:  
24

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

- 1 e. documents how family members are integrated into the  
2 treatment process for the child including post-  
3 discharge, and how sibling connections are maintained,  
4 f. provides discharge planning and family-based aftercare  
5 support for at least six (6) months post-discharge,  
6 and  
7 g. is licensed and accredited by any of the following  
8 independent, not-for-profit organizations:
- 9 (1) The Commission on Accreditation of Rehabilitation  
10 Facilities (CARF),
  - 11 (2) The Joint Commission on Accreditation of  
12 Healthcare Organizations (JCAHO),
  - 13 (3) The Council on Accreditation (COA), or
  - 14 (4) any other federally approved independent, not-  
15 for-profit accrediting organization;

16 58. "Reasonable and prudent parent standard" means the standard  
17 characterized by careful and sensible parental decisions that  
18 maintain the health, safety, and best interests of a child while at  
19 the same time encouraging the emotional and developmental growth of  
20 the child. This standard shall be used by the child's caregiver  
21 when determining whether to allow a child to participate in  
22 extracurricular, enrichment, cultural, and social activities. For  
23 purposes of this definition, the term "caregiver" means a foster  
24 parent with whom a child in foster care has been placed, a

1 representative of a group home where a child has been placed or a  
2 designated official for a residential child care facility where a  
3 child in foster care has been placed;

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

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

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

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

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

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

24



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

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

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

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

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

- 22 a. has been certified by the Developmental Disabilities  
23 Services Division of the Department of Human Services,
- 24 b. is monitored by the Division, and

1 c. is funded through the Home- and Community-Based Waiver  
2 Services Program administered by the Division;

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

12 70. "Temporary custody" means court-ordered custody of an  
13 adjudicated deprived child;

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

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

22 a. "sex trafficking" means the recruitment, harboring,  
23 transportation, provision, obtaining, patronizing or  
24

1           soliciting of a person for the purpose of a commercial  
2           sex act, and

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

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

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

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

22           74.   "Voluntary foster care placement" means the temporary  
23           placement of a child by the parent, legal guardian or custodian of  
24           the child in foster care pursuant to a signed placement agreement

1 between the Department or a child-placing agency and the child's  
2 parent, legal guardian or custodian.

3 SECTION 2. This act shall become effective November 1, 2023.

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