



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

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

5 1. "Abandonment" means:

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

8 b. the failure to maintain a significant parental  
9 relationship with a child through visitation or  
10 communication in which incidental or token visits or  
11 communication are not considered significant, or

12 c. the failure to respond to notice of deprived  
13 proceedings;

14 2. "Abuse" means harm or threatened harm to the health, safety,  
15 or welfare of a child by a person responsible for the child's  
16 health, safety, or welfare, including but not limited to  
17 nonaccidental physical or mental injury, sexual abuse, or sexual  
18 exploitation. Provided, however, that nothing contained in the  
19 Oklahoma Children's Code shall prohibit any parent from using  
20 ordinary force as a means of discipline including, but not limited  
21 to, spanking, switching, or paddling.

22 a. "Harm or threatened harm to the health or safety of a  
23 child" means any real or threatened physical, mental,  
24 or emotional injury or damage to the body or mind that

1 is not accidental including but not limited to sexual  
2 abuse, sexual exploitation, neglect, or dependency.

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

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

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

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

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

23 a. activities or items that are generally accepted as  
24 suitable for children of the same age or level of

1 maturity or that are determined to be developmentally  
2 appropriate for a child, based on the development of  
3 cognitive, emotional, physical, and behavioral  
4 capacities that are typical for an age or age group,  
5 and

- 6 b. in the case of a specific child, activities or items  
7 that are suitable for that child based on the  
8 developmental stages attained by the child with  
9 respect to the cognitive, emotional, physical, and  
10 behavioral capacities of the specific child.

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

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

22 7. "Behavioral health" means mental health, substance abuse, or  
23 co-occurring mental health and substance abuse diagnoses, and the  
24

1 continuum of mental health, substance abuse, or co-occurring mental  
2 health and substance abuse treatment;

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

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

11 a. nonurban centers in districts with child populations  
12 that are less than sixty thousand (60,000), and

13 b. midlevel nonurban centers in districts with child  
14 populations equal to or greater than sixty thousand  
15 (60,000), but not including Oklahoma and Tulsa  
16 Counties;

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

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

24

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

14       13. "Community-based services" or "community-based programs"  
15 means services or programs which maintain community participation or  
16 supervision in their planning, operation, and evaluation.  
17 Community-based services and programs may include, but are not  
18 limited to, emergency shelter, crisis intervention, group work, case  
19 supervision, job placement, recruitment and training of volunteers,  
20 consultation, medical, educational, home-based services, vocational,  
21 social, preventive and psychological guidance, training, counseling,  
22 early intervention and diversionary substance abuse treatment,  
23 sexual abuse treatment, transitional living, independent living, and  
24 other related services and programs;

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

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

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

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

21 18. "Day treatment" means a nonresidential program which  
22 provides intensive services to a child who resides in the child's  
23 own home, the home of a relative, group home, a foster home or  
24

1 residential child care facility. Day treatment programs include,  
2 but are not limited to, educational services;

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

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

7 21. "Deprived child" means a child:

8 a. who is for any reason destitute, homeless, or  
9 abandoned,

10 b. who does not have the proper parental care or  
11 guardianship,

12 c. who has been abused, neglected, or is dependent,

13 d. whose home is an unfit place for the child by reason  
14 of depravity on the part of the parent or legal  
15 guardian of the child, or other person responsible for  
16 the health or welfare of the child,

17 e. who is a child in need of special care and treatment  
18 because of the child's physical or mental condition,  
19 and the child's parents, legal guardian, or other  
20 custodian is unable or willfully fails to provide such  
21 special care and treatment. As used in this  
22 paragraph, a child in need of special care and  
23 treatment includes, but is not limited to, a child who  
24 at birth tests positive for alcohol or a controlled



- 1 dangerous substance and who, pursuant to a drug or  
2 alcohol screen of the child and an assessment of the  
3 parent, is determined to be at risk of harm or  
4 threatened harm to the health or safety of a child,
- 5 f. who is a child with a disability deprived of the  
6 nutrition necessary to sustain life or of the medical  
7 treatment necessary to remedy or relieve a life-  
8 threatening medical condition in order to cause or  
9 allow the death of the child if such nutrition or  
10 medical treatment is generally provided to similarly  
11 situated children without a disability or children  
12 with disabilities; provided that no medical treatment  
13 shall be necessary if, in the reasonable medical  
14 judgment of the attending physician, such treatment  
15 would be futile in saving the life of the child,
- 16 g. who, due to improper parental care and guardianship,  
17 is absent from school as specified in Section 10-106  
18 of Title 70 of the Oklahoma Statutes, if the child is  
19 subject to compulsory school attendance,
- 20 h. whose parent, legal guardian or custodian for good  
21 cause desires to be relieved of custody,
- 22 i. who has been born to a parent whose parental rights to  
23 another child have been involuntarily terminated by  
24 the court and the conditions which led to the making

1 of the finding, which resulted in the termination of  
2 the parental rights of the parent to the other child,  
3 have not been corrected, or

4 j. whose parent, legal guardian, or custodian has  
5 subjected another child to abuse or neglect or has  
6 allowed another child to be subjected to abuse or  
7 neglect and is currently a respondent in a deprived  
8 proceeding.

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

16 Evidence of material, educational or cultural disadvantage as  
17 compared to other children shall not be sufficient to prove that a  
18 child is deprived; the state shall prove that the child is deprived  
19 as defined pursuant to this title.

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

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

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

13       24. "Emergency custody" means the custody of a child prior to  
14 adjudication of the child following issuance of an order of the  
15 district court pursuant to Section 1-4-201 of this title or  
16 following issuance of an order of the district court pursuant to an  
17 emergency custody hearing, as specified by Section 1-4-203 of this  
18 title;

19       25. "Facility" means a place, an institution, a building or  
20 part thereof, a set of buildings, or an area whether or not  
21 enclosing a building or set of buildings used for the lawful custody  
22 and treatment of children;

23       26. "Failure to protect" means failure to take reasonable  
24 action to remedy or prevent child abuse or neglect, and includes the

1 conduct of a nonabusing parent or guardian who knows the identity of  
2 the abuser or the person neglecting the child, but lies, conceals or  
3 fails to report the child abuse or neglect or otherwise take  
4 reasonable action to end the abuse or neglect;

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

8 28. "Foster care" or "foster care services" means continuous  
9 twenty-four-hour care and supportive services provided for a child  
10 in foster placement including, but not limited to, the care,  
11 supervision, guidance, and rearing of a foster child by the foster  
12 parent;

13 29. "Foster family home" means the private residence of a  
14 foster parent who provides foster care services to a child. Such  
15 term shall include a nonkinship foster family home, a therapeutic  
16 foster family home, or the home of a relative or other kinship care  
17 home;

18 30. "Foster parent eligibility assessment" includes a criminal  
19 background investigation including, but not limited to, a national  
20 criminal history records search based upon the submission of  
21 fingerprints, home assessments, and any other assessment required by  
22 the Department of Human Services, the Office of Juvenile Affairs, or  
23 any child-placing agency pursuant to the provisions of the Oklahoma  
24 Child Care Facilities Licensing Act;

1       31. "Guardian ad litem" means a person appointed by the court  
2 pursuant to the provisions of Section 1-4-306 of this title having  
3 those duties and responsibilities as set forth in that section. The  
4 term "guardian ad litem" shall refer to a court-appointed special  
5 advocate as well as to any other person appointed pursuant to the  
6 provisions of Section 1-4-306 of this title to serve as a guardian  
7 ad litem;

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

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

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

19       35. "Heinous and shocking abuse" includes, but is not limited  
20 to, aggravated physical abuse that results in serious bodily,  
21 mental, or emotional injury. "Serious bodily injury" means injury  
22 that involves:

- 23           a. a substantial risk of death,
- 24           b. extreme physical pain,

- c. protracted disfigurement,
- d. a loss or impairment of the function of a body member, organ, or mental faculty,
- e. an injury to an internal or external organ or the body,
- f. a bone fracture,
- g. sexual abuse or sexual exploitation,
- h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation which is repeated or continuing,
- i. torture that includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person, or
- j. any other similar aggravated circumstance;

36. "Heinous and shocking neglect" includes, but is not limited

to:

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

- 1           b. neglect that has resulted in a diagnosis of the child  
2           as a failure to thrive,  
3           c. an act or failure to act by a parent that results in  
4           the death or near death of a child or sibling, serious  
5           physical or emotional harm, sexual abuse, sexual  
6           exploitation, or presents an imminent risk of serious  
7           harm to a child, or  
8           d. any other similar aggravating circumstance;

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

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

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

17          40. a. "Investigation" means a response to an allegation of  
18                abuse or neglect that involves a serious and immediate  
19                threat to the safety of the child, making it necessary  
20                to determine:

- 21               (1) the current safety of a child and the risk of  
22                subsequent abuse or neglect, and  
23  
24

1 (2) whether child abuse or neglect occurred and  
2 whether the family needs prevention- and  
3 intervention-related services.

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

6 (1) "substantiated" means the Department has  
7 determined, after an investigation of a report of  
8 child abuse or neglect and based upon some  
9 credible evidence, that child abuse or neglect  
10 has occurred. When child abuse or neglect is  
11 substantiated, the Department may recommend:

12 (a) court intervention if the Department finds  
13 the health, safety, or welfare of the child  
14 is threatened, or

15 (b) child abuse and neglect prevention- and  
16 intervention-related services for the child,  
17 parents or persons responsible for the care  
18 of the child if court intervention is not  
19 determined to be necessary,

20 (2) "unsubstantiated" means the Department has  
21 determined, after an investigation of a report of  
22 child abuse or neglect, that insufficient  
23 evidence exists to fully determine whether child  
24 abuse or neglect has occurred. If child abuse or



1 neglect is unsubstantiated, the Department may  
2 recommend, when determined to be necessary, that  
3 the parents or persons responsible for the care  
4 of the child obtain child abuse and neglect  
5 prevention- and intervention-related services, or

6 (3) "ruled out" means a report in which a child  
7 protective services specialist has determined,  
8 after an investigation of a report of child abuse  
9 or neglect, that no child abuse or neglect has  
10 occurred;

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

13 42. "Kinship guardianship" means a permanent guardianship as  
14 defined in this section;

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

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

1 45. "Minor" means the same as the term "child" as defined in  
2 this section;

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

6 47. "Multidisciplinary child abuse team" means any team  
7 established pursuant to Section 1-9-102 of this title of three or  
8 more persons who are trained in the prevention, identification,  
9 investigation, prosecution, and treatment of physical and sexual  
10 child abuse and who are qualified to facilitate a broad range of  
11 prevention- and intervention-related services and services related  
12 to child abuse. For purposes of this definition, "freestanding"  
13 means a team not used by a child advocacy center for its  
14 accreditation;

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

18 49. a. "Neglect" means:

19 (1) the failure or omission to provide any of the  
20 following:

21 (a) adequate nurturance and affection, food,  
22 clothing, shelter, sanitation, hygiene, or  
23 appropriate education,

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

1 (c) supervision or appropriate caretakers to  
2 protect the child from harm or threatened  
3 harm of which any reasonable and prudent  
4 person responsible for the child's health,  
5 safety or welfare would be aware, or

6 (d) special care made necessary for the child's  
7 health and safety by the physical or mental  
8 condition of the child,

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

11 (a) the use, possession, sale, or manufacture of  
12 illegal drugs,

13 (b) illegal activities, or

14 (c) sexual acts or materials that are not age-  
15 appropriate, or

16 (3) abandonment.

17 b. "Neglect" shall not mean a child who engages in  
18 independent activities, except if the person  
19 responsible for the child's health, safety or welfare  
20 willfully disregards any harm or threatened harm to  
21 the child, given the child's level of maturity,  
22 physical condition or mental abilities. Such  
23 independent activities include but are not limited to:  
24

- 1 (1) traveling to and from school including by
- 2 walking, running or bicycling,
- 3 (2) traveling to and from nearby commercial or
- 4 recreational facilities,
- 5 (3) engaging in outdoor play,
- 6 (4) remaining at home unattended for a reasonable
- 7 amount of time,
- 8 (5) remaining in a vehicle if the temperature inside
- 9 the vehicle is not or will not become dangerously
- 10 hot or cold, except under the conditions
- 11 described in Section 11-1119 of Title 47 of the
- 12 Oklahoma Statutes, or
- 13 (6) engaging in similar activities alone or with
- 14 other children.

15 Nothing in this paragraph shall be construed to mean a child is  
16 abused or neglected for the sole reason the parent, legal guardian  
17 or person having custody or control of a child, in good faith,  
18 selects and depends upon spiritual means alone through prayer, in  
19 accordance with the tenets and practice of a recognized church or  
20 religious denomination, for the treatment or cure of disease or  
21 remedial care of such child. Nothing contained in this paragraph  
22 shall prevent a court from immediately assuming custody of a child,  
23 pursuant to the Oklahoma Children's Code, and ordering whatever

1 action may be necessary, including medical treatment, to protect the  
2 child's health or welfare;

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

5 51. "Permanent custody" means the court-ordered custody of an  
6 adjudicated deprived child when a parent-child relationship no  
7 longer exists due to termination of parental rights or due to the  
8 death of a parent or parents;

9 52. "Permanent guardianship" means a judicially created  
10 relationship between a child, a kinship relation of the child, or  
11 other adult established pursuant to the provisions of Section 1-4-  
12 709 of this title;

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

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

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

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

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

8 57. "Qualified residential treatment program" means a program  
9 that:

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

- 1 c. to the extent appropriate, and in accordance with the  
2 child's best interest, facilitates participation of  
3 family members in the child's treatment program,
- 4 d. facilitates outreach to the family members of the  
5 child including siblings, documents how the outreach  
6 is made including contact information, and maintains  
7 contact information for any known biological family of  
8 the child,
- 9 e. documents how family members are integrated into the  
10 treatment process for the child including post-  
11 discharge, and how sibling connections are maintained,
- 12 f. provides discharge planning and family-based aftercare  
13 support for at least six (6) months post-discharge,  
14 and
- 15 g. is licensed and accredited by any of the following  
16 independent, not-for-profit organizations:
- 17 (1) The Commission on Accreditation of Rehabilitation  
18 Facilities (CARF),
  - 19 (2) The Joint Commission on Accreditation of  
20 Healthcare Organizations (JCAHO),
  - 21 (3) The Council on Accreditation (COA), or
  - 22 (4) any other federally approved independent, not-  
23 for-profit accrediting organization;
- 24

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

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

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

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

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

23           63. "Safety threat" means the threat of serious harm due to  
24 child abuse or neglect occurring in the present or in the very near



1 future and without the intervention of another person, a child would  
2 likely or in all probability sustain severe or permanent disability  
3 or injury, illness, or death;

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

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

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

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

22 a. the individual is considered by state law to be a  
23 sibling of the child, or  
24

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

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

7           a.    has been certified by the Developmental Disabilities  
8                    Services Division of the Department of Human Services,

9           b.    is monitored by the Division, and

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

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

21          70.  "Temporary custody" means court-ordered custody of an  
22 adjudicated deprived child;

23          71.  "Therapeutic foster family home" means a foster family home  
24 which provides specific treatment services, pursuant to a

1 therapeutic foster care contract, which are designed to remedy  
2 social and behavioral problems of a foster child residing in the  
3 home;

4 72. "Time-limited reunification services" shall mean  
5 reunification services provided only during the first period of  
6 fifteen (15) months that begins on the date the child is considered  
7 to have entered foster care;

8 73. "Trafficking in persons" means sex trafficking or severe  
9 forms of trafficking in persons as described in Section 7102 of  
10 Title 22 of the United States Code:

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.~~ 74. "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.~~ 75. "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. AMENDATORY 10A O.S. 2021, Section 1-4-306, is  
17 amended to read as follows:

18 Section 1-4-306.

19 A. 1. a. If a parent or legal guardian of the child requests an  
20 attorney and is found to be indigent, counsel may be  
21 appointed by the court at the emergency custody  
22 hearing and shall be appointed if a petition has been  
23 filed alleging that the child is a deprived child;  
24 provided, that the court may appoint counsel without

1 such request, if it deems representation by counsel  
2 necessary to protect the interest of the parent, legal  
3 guardian, or custodian.

4 b. The court shall not be required to appoint an attorney  
5 for any person other than a parent, or legal guardian  
6 of the child pursuant to the provisions of this  
7 paragraph.

8 2. a. The court may appoint an attorney or a guardian ad  
9 litem for the child when an emergency custody hearing  
10 is held; provided, that when a petition is filed  
11 alleging the child to be deprived, the court shall  
12 appoint a separate attorney for the child, who shall  
13 not be a district attorney, regardless of any  
14 attempted waiver by the parent, legal guardian or  
15 custodian of the child of the right of the child to be  
16 represented by counsel. The child's attorney shall be  
17 independent of and not selected by the district  
18 attorney, the child's parent, legal guardian, or  
19 custodian. If financially capable, the parent, legal  
20 guardian or custodian shall reimburse the Court Fund  
21 for the services of a court-appointed attorney for the  
22 child.

23 b. The attorney appointed for the child shall make  
24 arrangements to meet with the child as soon as

1 possible after receiving notification of the  
2 appointment. Except for good cause shown, the  
3 attorney shall meet with the child prior to any  
4 hearing in such proceeding. The attorney may speak  
5 with the child over the telephone if a personal visit  
6 is not possible due to exigent circumstances. If a  
7 meaningful attorney-client relationship between the  
8 child and the attorney is prohibited due to age or  
9 disability of the child, the attorney shall contact  
10 the custodian or caretaker of the child prior to the  
11 hearing.

12 c. The attorney shall represent the child and any  
13 expressed interests of the child. To the extent that  
14 a child is unable to express an interest, either  
15 because the child is preverbal, very young or for any  
16 reason is incapable of judgment and meaningful  
17 communication, the attorney shall substitute his or  
18 her judgment for that of the child and formulate and  
19 present a position which serves the best interests of  
20 the child. Such formulation must be accomplished  
21 through the use of objective criteria rather than  
22 solely the life experience or instinct of the  
23 attorney. The objective criteria shall include, but  
24 not be limited to:

- 1 (1) a determination of the circumstances of the child
- 2 through a full and efficient investigation,
- 3 (2) assessment of the child at the moment of the
- 4 determination,
- 5 (3) examination of all options in light of the
- 6 permanency plans available to the child, and
- 7 (4) utilization of medical, mental health and
- 8 educational professionals, social workers and
- 9 other related experts.

10 d. The court may impose sanctions against the attorney  
11 for failure to comply with subparagraphs a through c  
12 of this paragraph. The sanctions that may be imposed  
13 may include the reasonable expenses incurred because  
14 of the failure to adequately communicate with the  
15 child, including reasonable attorney fees.

16 The attorney shall make such further inquiry as the attorney  
17 deems necessary to ascertain the facts, to interview witnesses,  
18 examine and cross-examine witnesses, make recommendations to the  
19 court and participate further in the proceedings to the degree  
20 appropriate for adequately representing the interests of the child.  
21 A child is a party to all deprived proceedings and is therefore able  
22 to participate as fully as the parents and the district attorney in  
23 all aspects of the proceedings including, but not limited to, voir  
24

1 dire, cross-examination, the subpoena of witnesses, and opening and  
2 closing statements.

3 3. The attorney shall be allowed a reasonable fee for such  
4 services as determined by the court.

5 4. When an attorney is required to travel to more than one  
6 district court location in order to represent a child or children  
7 whom the attorney has been court-appointed to represent, the court  
8 may in its discretion allow the attorney a reasonable reimbursement  
9 for mileage.

10 5. The court shall ensure that the child is represented by  
11 independent counsel throughout the pendency of the deprived action.

12 B. 1. After a petition is filed, the court shall appoint a  
13 guardian ad litem upon the request of the child or the attorney of  
14 the child, and may appoint a guardian ad litem sua sponte or upon  
15 the request of the Department of Human Services, a licensed child-  
16 placing agency, or another party to the action.

17 2. A guardian ad litem shall not be a district attorney, an  
18 employee of the office of the district attorney, the child's  
19 attorney, an employee of the court, an employee of a juvenile  
20 bureau, or an employee of any public agency having duties or  
21 responsibilities towards the child.

22 3. The guardian ad litem shall be appointed to objectively  
23 advocate on behalf of the child and act as an officer of the court  
24 to investigate all matters concerning the best interests of the



1 child. In addition to other duties required by the court and as  
2 specified by the court, a guardian ad litem shall have the following  
3 responsibilities:

- 4 a. review documents, reports, records and other  
5 information relevant to the case, meet with and  
6 observe the child in appropriate settings, including  
7 the child's current placement, and interview parents,  
8 foster parents, health care providers, child  
9 protective services workers and any other person with  
10 knowledge relevant to the case,
- 11 b. advocate for the best interests of the child by  
12 participating in the case, attending any hearings in  
13 the matter and advocating for appropriate services for  
14 the child when necessary,
- 15 c. monitor the best interests of the child throughout any  
16 judicial proceeding, and
- 17 d. present written reports on the best interests of the  
18 child that include conclusions and recommendations and  
19 the facts upon which they are based.

20 4. The guardian ad litem shall be given access to the court  
21 files and agency files and access to all documents, reports, records  
22 and other information relevant to the case and to any records and  
23 reports of examination of the child's parent or other custodian,  
24

1 made pursuant to the laws relating to child abuse and neglect  
2 including reports generated by service providers.

3 5. The Oklahoma Bar Association shall develop a standard  
4 operating manual for guardians ad litem which shall include, but not  
5 be limited to, legal obligations and responsibilities, information  
6 concerning child abuse, child development, domestic abuse, sexual  
7 abuse, and parent and child behavioral health and management  
8 including best practices. After publication of the manual, all  
9 guardians ad litem shall certify to the court in which he or she is  
10 appointed as a guardian ad litem that the manual has been read and  
11 all provisions contained therein are understood. The guardian ad  
12 litem shall also certify that he or she agrees to follow the best  
13 practices described within the standard operating manual. The  
14 Administrative Office of the Courts shall provide public access to  
15 the standard operating manual by providing a link to the manual on  
16 the Oklahoma State Courts Network (OSCN) website.

17 C. 1. Whenever a court-appointed special advocate program is  
18 available to the court to serve as a guardian ad litem, priority may  
19 be given to appointment of the court-appointed special advocate to  
20 serve as guardian ad litem for the child regardless of whether a  
21 guardian ad litem has been requested pursuant to the provisions of  
22 this subsection.

23 2. For purposes of the Oklahoma Children's Code, a "court-  
24 appointed special advocate" and a "guardian ad litem" shall have the

1 same function except as otherwise provided by law. In like manner,  
2 a court-appointed special advocate, except as specifically otherwise  
3 provided by law or by the court, shall have the same power, duties,  
4 and responsibilities as assigned to a guardian ad litem by law and  
5 shall have such other qualifications, duties, and responsibilities  
6 as may be prescribed by rule by the Supreme Court.

7 3. A court-appointed special advocate shall serve without  
8 compensation.

9 SECTION 3. AMENDATORY 10A O.S. 2021, Section 1-4-502, is  
10 amended to read as follows:

11 Section 1-4-502. A. A parent entitled to service of summons,  
12 the state or a child shall have the right to demand a trial by jury  
13 on the sole issue of termination of parental rights only in the  
14 following circumstances:

15 1. When the initial petition to determine if a child is  
16 deprived also contains a request for termination of parental rights  
17 in which case the court shall determine if the child should be  
18 adjudicated deprived and, if so, the jury shall determine if  
19 parental rights should be terminated; or

20 2. When, following a hearing in which the child is adjudicated  
21 deprived, a request for termination of parental rights is filed by  
22 the state or the child.

23 B. The demand for jury trial shall be in writing and filed with  
24 the court no later than thirty (30) days prior to the date set for

1 the initial hearing for termination of parental rights. If no  
2 demand for jury trial is filed within thirty (30) days, the right to  
3 trial by jury is waived by the parent, and the initial hearing for  
4 termination of parental rights or any continued hearing for  
5 termination of parental rights may proceed as a bench trial.

6 C. The demand for a jury trial shall be granted unless waived,  
7 or the court on its own motion may call a jury to try any  
8 termination of parental rights case. Such jury shall consist of six  
9 (6) persons. A party who requests a jury trial and fails to appear  
10 in person for such trial, after proper notice and without good  
11 cause, may be deemed by the court to have waived the right to such  
12 jury trial, and the termination of parental rights shall be by  
13 nonjury trial unless another party demands a jury trial or the court  
14 determines on its own motion to try the case to a jury.

15 SECTION 4. AMENDATORY 10A O.S. 2021, Section 1-4-704, is  
16 amended to read as follows:

17 Section 1-4-704. A. The Department of Human Services or  
18 licensed child-placing agency shall prepare and maintain a written  
19 individualized service plan for any child that has been adjudicated  
20 to be a deprived child.

21 B. The plan shall be furnished to the court within thirty (30)  
22 days after the adjudication of the child and shall be made available  
23 to counsel for the parties and any applicable tribe by the  
24

1 Department or the licensed child-placing agency having custody of  
2 the child or responsibility for the supervision of the case.

3 C. 1. The individualized service plan shall be based upon a  
4 comprehensive assessment and evaluation of the child and family and  
5 shall be developed with the participation of the parent, legal  
6 guardian, or legal custodian of the child, the attorney for the  
7 child, the guardian ad litem for the child, if any, the child's  
8 tribe, and the child, if appropriate. The health and safety of the  
9 child shall be the paramount concern in the development of the plan.

10 2. If any part of the plan is disputed or not approved by the  
11 court, an evidentiary hearing may be held and at its conclusion, the  
12 court shall determine the content of the individualized service plan  
13 in accord with the evidence presented and the best interests of the  
14 child.

15 3. When approved by the court, each individualized service plan  
16 shall be incorporated and made a part of the dispositional order of  
17 the court.

18 4. The plan shall be signed by:

- 19 a. the parent or parents or legal guardian of the child,
- 20 b. the attorney for the parent or parents or legal  
21 guardian of the child,
- 22 c. the child's attorney,
- 23 d. the guardian ad litem of the child, which may be a  
24 court-appointed special advocate,

- e. a representative of the child's tribe,
- f. the child, if possible, and
- g. the Department or other responsible agency.

D. 1. Every service plan prepared shall be individualized and specific to each child and the family of the child and shall require consideration of each child's and family's circumstances, including, but not limited to, the parents' work schedule, mode of transportation, and distance from their place of living and place of work to service providers.

2. The individualized service plan shall be written in simple and clear English. If English is not the principal language of the parent, legal guardian, or custodian of the child, and such person is unable to read or comprehend the English language, to the extent possible the plan shall be written in the principal language of the person.

3. The individualized service plan may be modified based on changing circumstances consistent with the correction of the conditions that led to the adjudication of the child or other conditions inconsistent with the health, safety, or welfare of the child.

4. The individualized service plan shall be measurable, realistic and consistent with the requirements of other court orders.

1 E. The individualized service plan shall include, but not be  
2 limited to:

3 1. A history of the child and family, including identification  
4 of the problems or conditions leading to the deprived child  
5 adjudication and the changes the parent or parents must make in  
6 order for the child to safely remain in or return to the home;

7 2. Identification of time-limited reunification services to be  
8 provided to the parent, legal guardian, or legal custodian,  
9 stepparent, other adult person living in the home, or other family  
10 members. Provided, however, that such reunification services shall  
11 be part of any individualized service plan for the first period of  
12 fifteen (15) months that begins on the date the child entered foster  
13 care. If a parent has not corrected the circumstances which led the  
14 child to be adjudicated to be a deprived child after such period of  
15 fifteen (15) months and if the court makes a finding pursuant to  
16 paragraph 16 of subsection B of Section 1-4-904 of this title, then  
17 a petition or motion for termination of parental rights shall be  
18 filed by the district attorney pursuant to Section 1-4-902 of this  
19 title;

20 3. Identification of the specific services to be provided to  
21 the child including, but not limited to, educational, vocational  
22 educational, medical, drug or alcohol abuse treatment, or counseling  
23 or other treatment services. The most recent available health and  
24

1 educational records of the child shall be provided to the court upon  
2 the court's request including:

- 3 a. the names and addresses of the child's health and
- 4 educational providers,
- 5 b. the child's grade-level performance,
- 6 c. the child's school record,
- 7 d. a record of the child's immunizations,
- 8 e. the child's known medical problems, including any
- 9 known communicable diseases,
- 10 f. the child's medications, and
- 11 g. any other relevant health and education information;

12 4. A schedule of the frequency of services and the means by  
13 which delivery of the services will be assured or, as necessary, the  
14 proposed means by which support services or other assistance will be  
15 provided to enable the parent or the child to obtain the services;

16 5. The name of the social worker assigned to the case;

17 6. A projected date for the completion of the individualized  
18 service plan;

19 7. Performance criteria that will measure the progress of the  
20 child and family toward completion of the individualized service  
21 plan including, but not limited to, time frames for achieving  
22 objectives and addressing the identified problems;

23 8. The name and business address of the attorney representing  
24 the child;



1 9. If the child is placed outside the home, the individualized  
2 service plan shall further provide:

- 3 a. the sequence and time frame for services to be  
4 provided to the parent, the child, and if the child is  
5 placed in foster care, the foster parent, to  
6 facilitate the child's return home or to another  
7 permanent placement,
- 8 b. a description of the child's placement and explanation  
9 about whether it is the least-restrictive placement  
10 available and in as close proximity as possible to the  
11 home of the parent or parents or legal guardian of the  
12 child when the case plan is reunification, and how the  
13 placement is consistent with the best interests and  
14 special needs of the child,
- 15 c. a description of any services or resources that were  
16 requested by the child or the parent or legal guardian  
17 of the child since the date of the child's placement,  
18 and whether those services or resources were provided  
19 and if not, the basis for the denial of the services  
20 or resources,
- 21 d. efforts to be made by the parent of the child and the  
22 Department to enable the child to return to his or her  
23 home,

1 e. a description of the transition planning for a  
2 successful adulthood for a child age fourteen (14) or  
3 older that includes how the following objectives will  
4 be met:

5 (1) education, vocational, or employment planning,

6 (2) health care planning and medical coverage,

7 (3) transportation including, where appropriate,

8 assisting the child in obtaining a driver

9 license,

10 (4) money management,

11 (5) planning for housing,

12 (6) social and recreational skills, and

13 (7) establishing and maintaining connections with the

14 child's family and community,

15 f. for a child in placement due solely or in part to the  
16 child's behavioral health or medical health issues,  
17 diagnostic and assessment information, specific  
18 services relating to meeting the applicable behavioral  
19 health and medical care needs of the child, and  
20 desired treatment outcomes,

21 g. a plan and schedule for regular and frequent  
22 visitation for the child and the child's parent or  
23 parents or legal guardian and siblings, unless the  
24

1 court has determined that visitation, even if  
2 supervised, would be harmful to the child, and  
3 h. a plan for ensuring the educational stability of the  
4 child while in out-of-home placement, including:

5 (1) assurances that the placement of the child  
6 considers the appropriateness of the current  
7 educational setting and the proximity to the  
8 school in which the child was enrolled at the  
9 time of placement, and

10 (2) where appropriate, an assurance that the  
11 Department has coordinated with appropriate local  
12 educational agencies to ensure that the child  
13 remains in the school in which the child was  
14 enrolled at the time of placement, or

15 (3) if remaining in the school in which the child was  
16 enrolled at the time of placement is not in the  
17 best interests of the child, assurances by the  
18 Department and the local educational agencies to  
19 provide immediate and appropriate enrollment in a  
20 new school with all of the educational records of  
21 the child provided to the school; and

22 10. The permanency plan for the child, the reason for selection  
23 of that plan and a description of the steps being taken by the  
24 Department to finalize the plan.

1           a.    When the permanency plan is adoption or legal  
2                    guardianship, the Department shall describe, at a  
3                    minimum, child-specific recruitment efforts such as  
4                    relative searches conducted and the use of state,  
5                    regional, and national adoption exchanges to  
6                    facilitate the orderly and timely placement of the  
7                    child, whether in or outside of the state.

8           b.    When the child is age fourteen (14) or older, the  
9                    permanency plan and any revision or addition to the  
10                   plan, shall include planning for the transition of the  
11                   child to a successful adulthood.

12           F.   Each individualized service plan shall specifically provide  
13                   for the safety of the child, in accordance with state and federal  
14                   law, and clearly define what actions or precautions will, or may, be  
15                   necessary to provide for the safety and protection of the child.

16           G.   The individualized service plan shall include the following  
17                   statement:

18                    TO THE PARENT:   THIS IS A VERY IMPORTANT DOCUMENT.   ITS PURPOSE  
19                    IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE  
20                    REASONABLE PERIOD SPECIFIED IN THE PLAN.   IF YOU ARE UNWILLING OR  
21                    UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT  
22                    HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE  
23                    RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

1 H. Whenever a child who is subject to the provisions of this  
2 section is committed for inpatient behavioral health or substance  
3 abuse treatment pursuant to the Inpatient Mental Health and  
4 Substance Abuse Treatment of Minors Act, the individualized service  
5 plan shall be amended as necessary and appropriate, including, but  
6 not limited to, identification of the treatment and services to be  
7 provided to the child and the child's family upon discharge of the  
8 child from inpatient behavioral health or substance abuse treatment.

9 SECTION 5. AMENDATORY 10A O.S. 2021, Section 1-4-902, is  
10 amended to read as follows:

11 Section 1-4-902. A. The district attorney shall file a  
12 petition or motion for termination of the parent-child relationship  
13 and parental rights with respect to a child or shall join in the  
14 petition or motion, if filed by the child's attorney, in any of the  
15 following circumstances:

16 1. Prior to the end of the fifteenth month when a child has  
17 been placed in foster care by the Department of Human Services for  
18 fifteen (15) of the most recent twenty-two (22) months. For  
19 purposes of this paragraph, a child shall be considered to have  
20 entered foster care on the earlier of:

- 21 a. the date of adjudication as a deprived child, or
- 22 b. the date that is sixty (60) days after the date on  
23 which the child is removed from the home;

24

1           2. No later than sixty (60) days after a child has been  
2 judicially determined to be an abandoned infant;

3           3. No later than sixty (60) days after a court has determined  
4 that reasonable efforts to reunite are not required due to a felony  
5 conviction of a parent of any of the following acts:

6           a. permitting a child to participate in pornography,

7           b. rape, or rape by instrumentation,

8           c. lewd molestation of a child under sixteen (16) years  
9 of age,

10          d. child abuse or neglect,

11          e. enabling child abuse or neglect,

12          f. causing the death of a child as a result of the  
13 physical or sexual abuse or chronic abuse or chronic  
14 neglect of the child,

15          g. causing the death of a sibling of the child as a  
16 result of the physical or sexual abuse or chronic  
17 abuse or chronic neglect of the child's sibling,

18          h. murder of any child or aiding or abetting, attempting,  
19 conspiring in, or soliciting to commit murder of any  
20 child,

21          i. voluntary manslaughter of any child,

22          j. a felony assault that has resulted in serious bodily  
23 injury to the child or another child of the parent, or  
24

1 k. murder or voluntary manslaughter of the child's parent  
2 or aiding or abetting, attempting, conspiring in, or  
3 soliciting to commit murder of the child's parent; ~~or~~

4 4. No later than ninety (90) days after the court has ordered  
5 the individualized service plan if the parent has made no measurable  
6 progress in correcting the conditions which caused the child to be  
7 adjudicated deprived; or

8 5. After a period of fifteen (15) months if a parent has not  
9 corrected the circumstances which led the child to be adjudicated to  
10 be a deprived child and if the court makes a finding pursuant to  
11 paragraph 16 of subsection B of Section 1-4-904 of this title.

12 B. If any of the following conditions exist, the district  
13 attorney is not required to file a petition as provided in  
14 subsection A of this section for a deprived child:

15 1. At the option of the Department or by order of the court,  
16 the child is properly being cared for by a relative;

17 2. The Department has documented a compelling reason for  
18 determining that filing a petition to terminate parental rights  
19 would not serve the best interests of the child that may include  
20 consideration of any of the following circumstances:

21 a. the parents or legal guardians have maintained a  
22 relationship with the child and the child would  
23 benefit from continuing this relationship,  
24

1           b.    the child, who is twelve (12) years or older, objects  
2                    to the termination of the parent-child legal  
3                    relationship,

4           c.    the foster parents of the child are unable to adopt  
5                    the child because of exceptional circumstances which  
6                    do not include an unwillingness to accept legal  
7                    responsibility for the child but are willing and  
8                    capable of providing the child with a stable and  
9                    permanent environment, and the removal of the child  
10                   from the physical custody of the foster parents would  
11                   be seriously detrimental to the emotional well-being  
12                   of the child because the child has substantial  
13                   psychological ties to the foster parents,

14          d.    the child is not capable of achieving stability if  
15                    placed in a family setting, or

16          e.    the child is an unaccompanied, refugee minor and the  
17                    situation regarding the child involves international  
18                    legal issues or compelling foreign policy issues; or

19          3.    The state has not provided to the family of the child,  
20                consistent with the time period in the state case plan, services  
21                that the state deems necessary for the safe return of the child to  
22                the child's home, if reasonable efforts are required to be made with  
23                respect to the child.



1 SECTION 6. AMENDATORY 10A O.S. 2021, Section 1-4-904, is  
2 amended to read as follows:

3 Section 1-4-904. A. A court shall not terminate the rights of  
4 a parent to a child unless:

5 1. The child has been adjudicated to be deprived either prior  
6 to or concurrently with a proceeding to terminate parental rights;  
7 and

8 2. Termination of parental rights is in the best interests of  
9 the child.

10 B. The court may terminate the rights of a parent to a child  
11 based upon the following legal grounds:

12 1. Upon the duly acknowledged written consent of a parent, who  
13 voluntarily agrees to termination of parental rights.

14 a. The voluntary consent for termination of parental  
15 rights shall be signed under oath and recorded before  
16 a judge of a court of competent jurisdiction and  
17 accompanied by the judge's certificate that the terms  
18 and consequences of the consent were fully explained  
19 in detail in English and were fully understood by the  
20 parent or that the consent was translated into a  
21 language that the parent understood.

22 b. A voluntary consent for termination of parental rights  
23 is effective when it is signed and may not be revoked  
24

1           except upon clear and convincing evidence that the  
2           consent was executed by reason of fraud or duress.

3           c.   However, notwithstanding the provisions in this  
4           paragraph, in any proceeding for a voluntary  
5           termination of parental rights to an Indian child, the  
6           consent of the parent may be withdrawn for any reason  
7           at any time prior to the entry of a final decree of  
8           termination. Any consent given prior to, or within  
9           ten (10) days after, the birth of an Indian child  
10          shall not be valid;

11          2.   A finding that a parent who is entitled to custody of the  
12          child has abandoned the child;

13          3.   A finding that the child is an abandoned infant;

14          4.   A finding that the parent of a child:

15           a.   has voluntarily placed physical custody of the child  
16           with the Department of Human Services or with a child-  
17           placing agency for out-of-home placement,

18           b.   has not complied with the placement agreement, and

19           c.   has not demonstrated during such period a firm  
20           intention to resume physical custody of the child or  
21           to make permanent legal arrangements for the care of  
22           the child;

23          5.   A finding that:

24

- 1           a.    the parent has failed to correct the condition which  
2                    led to the deprived adjudication of the child, and  
3           b.    the parent has been given at least three (3) months to  
4                    correct the condition;

5       6.   A finding that:

- 6           a.    the rights of the parent to another child have been  
7                    terminated, and  
8           b.    the conditions that led to the prior termination of  
9                    parental rights have not been corrected;

10       7.   A finding that a parent who does not have custody of the  
11 child has, for at least six (6) out of the twelve (12) months  
12 immediately preceding the filing of the petition or motion for  
13 termination of parental rights, willfully failed or refused or has  
14 neglected to contribute to the support of the child:

- 15           a.    as specified by an order entered by a court of  
16                    competent jurisdiction adjudicating the duty, amount  
17                    and manner of support, or  
18           b.    where an order of child support does not exist,  
19                    according to the financial ability of the parent to  
20                    contribute to the child's support.

21 Incidental or token support shall not be construed or considered in  
22 establishing whether a parent has maintained or contributed to the  
23 support of the child;

1 8. A finding that the parent has been convicted in a court of  
2 competent jurisdiction in any state of any of the following acts:

3 a. permitting a child to participate in pornography,

4 b. rape, or rape by instrumentation,

5 c. lewd molestation of a child under sixteen (16) years  
6 of age,

7 d. child abuse or neglect,

8 e. enabling child abuse or neglect,

9 f. causing the death of a child as a result of the  
10 physical or sexual abuse or chronic abuse or chronic  
11 neglect of the child,

12 g. causing the death of a sibling of the child as a  
13 result of the physical or sexual abuse or chronic  
14 abuse or chronic neglect of the child's sibling,

15 h. murder of any child or aiding or abetting, attempting,  
16 conspiring, or soliciting to commit murder of any  
17 child,

18 i. voluntary manslaughter of any child,

19 j. a felony assault that has resulted in serious bodily  
20 injury to the child or another child of the parents,  
21 or

22 k. murder or voluntary manslaughter of the child's parent  
23 or aiding or abetting, attempting, conspiring, or  
24 soliciting to commit murder of the child's parent;

1 9. A finding that the parent has abused or neglected any child  
2 or failed to protect any child from abuse or neglect that is heinous  
3 or shocking;

4 10. A finding that the parent has previously abused or  
5 neglected the child or a sibling of the child or failed to protect  
6 the child or a sibling of the child from abuse or neglect and the  
7 child or a sibling of the child has been subjected to subsequent  
8 abuse;

9 11. A finding that the child was conceived as a result of rape  
10 perpetrated by the parent whose rights are sought to be terminated;

11 12. A finding that the parent whose rights are sought to be  
12 terminated is incarcerated, and the continuation of parental rights  
13 would result in harm to the child based on consideration of the  
14 following factors, among others:

- 15 a. the duration of incarceration and its detrimental  
16 effect on the parent/child relationship,
- 17 b. any previous convictions resulting in involuntary  
18 confinement in a secure facility,
- 19 c. the parent's history of criminal behavior, including  
20 crimes against children,
- 21 d. the age of the child,
- 22 e. any evidence of abuse or neglect or failure to protect  
23 from abuse or neglect of the child or siblings of the  
24 child by the parent,

1 f. the current relationship between the parent and the  
2 child, and

3 g. the manner in which the parent has exercised parental  
4 rights and duties in the past.

5 Provided, that the incarceration of a parent shall not in and of  
6 itself be sufficient to deprive a parent of parental rights;

7 13. A finding that all of the following exist:

8 a. the parent has a diagnosed cognitive disorder, an  
9 extreme physical incapacity, or a medical condition,  
10 including behavioral health, which renders the parent  
11 incapable of adequately and appropriately exercising  
12 parental rights, duties, and responsibilities within a  
13 reasonable time considering the age of the child, and

14 b. allowing the parent to have custody would cause the  
15 child actual harm or harm in the near future.

16 A parent's refusal or pattern of noncompliance with treatment,  
17 therapy, medication, or assistance from outside the home can be used  
18 as evidence that the parent is incapable of adequately and  
19 appropriately exercising parental rights, duties, and  
20 responsibilities.

21 A finding that a parent has a diagnosed cognitive disorder, an  
22 extreme physical incapacity, or a medical condition, including  
23 behavioral health or substance dependency, shall not in and of  
24 itself deprive the parent of parental rights;

1 14. A finding that:

2 a. the condition that led to the deprived adjudication  
3 has been the subject of a previous deprived  
4 adjudication of this child or a sibling of this child,  
5 and

6 b. the parent has been given an opportunity to correct  
7 the conditions which led to the determination of the  
8 initial deprived child;

9 15. A finding that there exists a substantial erosion of the  
10 relationship between the parent and child caused at least in part by  
11 the parent's serious or aggravated neglect of the child, physical or  
12 sexual abuse or exploitation of the child, a prolonged and  
13 unreasonable absence of the parent from the child or an unreasonable  
14 failure by the parent to visit or communicate in a meaningful way  
15 with the child;

16 16. A finding that a child ~~four (4) years of age or older at~~  
17 ~~the time of placement has been placed in foster care by the~~  
18 ~~Department of Human Services for fifteen (15) of the most recent~~  
19 ~~twenty-two (22) months preceding the filing of the petition or~~  
20 ~~motion for termination of parental rights and the child cannot, at~~  
21 ~~the time of the filing of the petition or motion, be safely returned~~  
22 ~~to the home of the parent. For purposes of this paragraph, a child~~  
23 ~~shall be considered to have entered foster care on the earlier of:~~

24 a. ~~the adjudication date, or~~

1           ~~b. the date that is sixty (60) days after the date on~~  
2           ~~which the child is removed from the home; and~~  
3 has been in foster care for not less than fifteen (15) months of the  
4 most recent twenty-two (22) months and that the parent has not  
5 corrected the circumstances which led the child to be adjudicated to  
6 be a deprived child, unless:

7           a. a parent has made substantial progress toward  
8           eliminating the problem that caused the child's  
9           placement in foster care, it is likely that the child  
10           will be able to safely return to the parent's home  
11           within three (3) months, and the child's return to the  
12           parent's home will be in the child's best interests,

13           b. the child has a close and positive relationship with a  
14           parent and a permanent plan that does not include  
15           termination of parental rights will provide the most  
16           secure and appropriate placement for the child,

17           c. the child is fourteen (14) years of age or older, is  
18           firmly opposed to termination of parental rights, and  
19           is likely to disrupt an attempt to place the child  
20           with an adoptive family,

21           d. a parent is terminally ill but in remission, does not  
22           want parental rights to be terminated, and has  
23           designated a guardian for the child,



1 e. the child is not capable of functioning if placed in a  
2 family setting. In such a case, the court shall  
3 reevaluate the status of the child every ninety (90)  
4 days unless there is a final court determination that  
5 the child cannot be placed in a family setting;

6 f. the child is an unaccompanied, refugee minor and the  
7 case involves international legal issues or compelling  
8 foreign policy issues,

9 g. adoption is not an appropriate plan for the child,

10 h. the parent's incarceration or participation in a  
11 court-ordered residential substance abuse treatment  
12 program constitutes the primary factor in the child's  
13 placement in substitute care and termination of  
14 parental rights is not in the child's best interest,

15 i. for purposes of this paragraph, a child shall be  
16 considered to have entered foster care on the earlier  
17 of:

18 (1) the adjudication date, or

19 (2) the date that is sixty (60) days after the date  
20 on which the child is removed from the home; or

21 j. the court may also consider:

22 (1) circumstances of the failure of the parent to  
23 develop and maintain a parental bond with the  
24 child in a meaningful, supportive manner, and

1           (2) whether allowing the parent to have custody would  
2           likely cause the child actual serious  
3           psychological harm or harm in the near future as  
4           a result of the removal of the child from the  
5           substitute caregiver due to the existence of a  
6           strong and positive bond between the child and  
7           caregiver.

8           17. A finding that a child younger than four (4) years of age  
9 at the time of placement has been placed in foster care by the  
10 Department of Human Services for at least six (6) of the twelve (12)  
11 months preceding the filing of the petition or motion for  
12 termination of parental rights and the child cannot be safely  
13 returned to the home of the parent.

14           a. For purposes of this paragraph, a child shall be  
15 considered to have entered foster care on the earlier  
16 of:

- 17           (1) the adjudication date, or  
18           (2) the date that is sixty (60) days after the date  
19           on which the child is removed from the home.

20           b. For purposes of this paragraph, the court may  
21 consider:

- 22           (1) circumstances of the failure of the parent to  
23           develop and maintain a parental bond with the  
24           child in a meaningful, supportive manner, and

1 (2) whether allowing the parent to have custody would  
2 likely cause the child actual serious  
3 psychological harm or harm in the near future as  
4 a result of the removal of the child from the  
5 substitute caregiver due to the existence of a  
6 strong, positive bond between the child and  
7 caregiver.

8 C. An order directing the termination of parental rights is a  
9 final appealable order.

10 D. The provisions of this section shall not apply to adoption  
11 proceedings and actions to terminate parental rights which do not  
12 involve a petition for deprived status of the child. Such  
13 proceedings and actions shall be governed by the Oklahoma Adoption  
14 Code.

15 SECTION 7. AMENDATORY 12 O.S. 2021, Section 591, is  
16 amended to read as follows:

17 Section 591. The trial by jury may be waived by the parties, in  
18 actions arising on contract, and with the assent of the court in  
19 other actions, in the following manner: By the consent of the party  
20 appearing, when the other party fails to appear at the trial by  
21 himself or attorney. By written consent, in person or by attorney,  
22 filed with the clerk. By oral consent, in open court, entered on  
23 the journal. By failure to request in writing a jury trial within  
24 the time period set forth by applicable statute.

1 SECTION 8. This act shall become effective November 1, 2022.

2

3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
4 03/01/2022 - DO PASS, As Amended and Coauthored.

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