

- 1 b. the failure to maintain a significant parental
2 relationship with a child through visitation or
3 communication in which incidental or token visits or
4 communication are not considered significant, or
5 c. the failure to respond to notice of deprived
6 proceedings;

7 2. "Abuse" means harm or threatened harm or failure to protect
8 from harm or threatened harm to the health, safety, or welfare of a
9 child by a person responsible for the child's health, safety, or
10 welfare, including but not limited to nonaccidental physical or
11 mental injury, sexual abuse, or sexual exploitation. Provided,
12 however, that nothing contained in this act shall prohibit any
13 parent from using ordinary force as a means of discipline including,
14 but not limited to, spanking, switching, or paddling.

- 15 a. "Harm or threatened harm to the health or safety of a
16 child" means any real or threatened physical, mental,
17 or emotional injury or damage to the body or mind that
18 is not accidental including but not limited to sexual
19 abuse, sexual exploitation, neglect, or dependency.
20 b. "Sexual abuse" includes but is not limited to rape,
21 incest, and lewd or indecent acts or proposals made to
22 a child, as defined by law, by a person responsible
23 for the health, safety, or welfare of the child.
24

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

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

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

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

20 6. "Behavioral health" means mental health, substance abuse, or
21 co-occurring mental health and substance abuse diagnoses, and the
22 continuum of mental health, substance abuse, or co-occurring mental
23 health and substance abuse treatment;

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1 7. "Child" means any unmarried person under eighteen (18) years
2 of age;

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

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

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

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

19 10. "Child-placing agency" means an agency that arranges for or
20 places a child in a foster family home, group home, adoptive home,
21 or independent living program;

22 11. "Commission" means the Commission for Human Services;

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

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

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

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

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

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

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

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

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

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

16 20. "Deprived child" means a child:

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

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

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

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

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

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

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

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

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

9 22. "Drug-endangered child" means a child who is at risk of
10 suffering physical, psychological or sexual harm as a result of the
11 use, possession, distribution, manufacture or cultivation of
12 controlled substances, or the attempt of any of these acts, by a
13 person responsible for the health, safety or welfare of the child,
14 as defined in paragraph 51 of this section. This term includes
15 circumstances wherein the substance abuse of the person responsible
16 for the health, safety or welfare of the child interferes with that
17 person's ability to parent and provide a safe and nurturing
18 environment for the child. The term also includes newborns who test
19 positive for a controlled dangerous substance, with the exception of
20 those substances administered under the care of a physician;

21 23. "Emergency custody" means the custody of a child prior to
22 adjudication of the child following issuance of an order of the
23 district court pursuant to Section 1-4-201 of this title or
24 following issuance of an order of the district court pursuant to an

1 emergency custody hearing, as specified by Section 1-4-203 of this
2 title;

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

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

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

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

24

1 28. "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 29. "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 1-8-109 of this title;

11 30. "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 31. "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 32. "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;

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

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

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

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

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

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

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

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

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

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

23 (b) child abuse and neglect prevention and
24 intervention-related services for the child,

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1 parents or persons responsible for the care
2 of the child if court intervention is not
3 determined to be necessary,

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

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

20 39. "Kinship care" means full-time care of a child by a kinship
21 relation;

22 40. "Kinship guardianship" means a permanent guardianship as
23 defined in this section;

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

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

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

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

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

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24

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

4 47. "Neglect" means:

5 a. the failure or omission to provide any of the
6 following:

- 7 (1) adequate nurturance and affection, food,
8 clothing, shelter, sanitation, hygiene, or
9 appropriate education,
- 10 (2) medical, dental, or behavioral health care,
- 11 (3) supervision or appropriate caretakers, or
- 12 (4) special care made necessary by the physical or
13 mental condition of the child,

14 b. the failure or omission to protect a child from
15 exposure to any of the following:

- 16 (1) the use, possession, sale, or manufacture of
17 illegal drugs,
- 18 (2) illegal activities, or
- 19 (3) sexual acts or materials that are not age-
20 appropriate, or

21 c. abandonment.

22 Nothing in this paragraph shall be construed to mean a child is
23 abused or neglected for the sole reason the parent, legal guardian
24 or person having custody or control of a child, in good faith,

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1 selects and depends upon spiritual means alone through prayer, in
2 accordance with the tenets and practice of a recognized church or
3 religious denomination, for the treatment or cure of disease or
4 remedial care of such child. Nothing contained in this paragraph
5 shall prevent a court from immediately assuming custody of a child,
6 pursuant to the Oklahoma Children's Code, and ordering whatever
7 action may be necessary, including medical treatment, to protect the
8 child's health or welfare;

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

11 49. "Permanent custody" means the court-ordered custody of an
12 adjudicated deprived child when a parent-child relationship no
13 longer exists due to termination of parental rights or due to the
14 death of a parent or parents;

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

19 51. "Person responsible for a child's health, safety, or
20 welfare" includes a parent; a legal guardian; custodian; a foster
21 parent; a person eighteen (18) years of age or older with whom the
22 child's parent cohabitates or any other adult residing in the home
23 of the child; an agent or employee of a public or private
24 residential home, institution, facility or day treatment program as

1 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or
2 an owner, operator, or employee of a child care facility as defined
3 by Section 402 of Title 10 of the Oklahoma Statutes;

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

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

9 54. "Relative" means a grandparent, great-grandparent, brother
10 or sister of whole or half blood, aunt, uncle or any other person
11 related to the child;

12 55. "Residential child care facility" means a twenty-four-hour
13 residential facility where children live together with or are
14 supervised by adults who are not their parents or relatives;

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

17 57. "Risk" means the likelihood that an incident of child abuse
18 or neglect will occur in the future;

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

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

6 60. "Safety evaluation" means evaluation of a child's situation
7 by the Department using a structured, evidence-based tool to
8 determine if the child is subject to a safety threat;

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

16 62. "Sibling" means a biologically or legally related brother
17 or sister of a child;

18 63. "Specialized foster care" means foster care provided to a
19 child in a foster home or agency-contracted home which:

- 20 a. has been certified by the Developmental Disabilities
21 Services Division of the Department of Human Services,
- 22 b. is monitored by the Division, and
- 23 c. is funded through the Home- and Community-Based Waiver
24 Services Program administered by the Division;

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2015.

22
23 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH, AND FAMILY
24 SERVICES, dated 02/10/2015 - DO PASS, As Coauthored.