

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 1048

By: Lawson of the House

and

Rosino of the Senate

6  
7  
8  
9 COMMITTEE SUBSTITUTE

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

13  
14  
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

20 1. "Abandonment" means:

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

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

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

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

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

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

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

17          5. “Age-appropriate or developmentally appropriate” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 21. "Deprived child" means a child:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 j. any other similar aggravated circumstance;

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

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

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

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

17 d. any other similar aggravating circumstance;

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

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



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

3       ~~40.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~49.~~

7 50. a. "Neglect" means:

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

7           a. a parent~~+~~l

8           b. a legal guardian~~+~~l

9           c. a custodian~~+~~l

10          d. a foster parent~~+~~l

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

5       3.   The Office of Public Guardian agrees to:

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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