

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1641

By: Talley

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5  
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2021,  
8 Section 402, which relates to the Oklahoma Child Care  
9 Facilities Licensing Act; modifying term; and  
10 providing an effective date.

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

14 SECTION 1. AMENDATORY 10 O.S. 2021, Section 402, is  
15 amended to read as follows:

16 Section 402. As used in the Oklahoma Child Care Facilities  
17 Licensing Act:

18 1. "Adult" means an individual eighteen (18) years of age or  
19 older;

20 2. "Child" or "minor" means any person who has not attained the  
21 age of eighteen (18) years;

22 3. "Child care center" means a program that operates thirty  
23 (30) or more hours per week;

1       4. "Child care facility" means any public or private child care  
2 residential facility, child-placing agency, foster family home,  
3 child care center, part-day program, out-of-school time program, day  
4 camp, drop-in program, program for sick children, community hope  
5 center, family child care home, or large family child care home  
6 providing either full-time or part-time care for children away from  
7 their own homes;

8       5. "Child-placing agency" means an agency that arranges for or  
9 places a child in a foster family home, adoptive home, or  
10 independent living program;

11       6. "Foster family home" means the private residence of a family  
12 which provides foster care services to a child, and includes a  
13 specialized foster home, a therapeutic foster family home, or a  
14 kinship care home;

15       7. "Foster parent eligibility assessment" includes a criminal  
16 background investigation, including, but not limited to, a national  
17 criminal history records search based upon the submission of  
18 fingerprints, a home assessment, and any other assessment required  
19 by the Department of Human Services, the Office of Juvenile Affairs,  
20 or any child-placing agency pursuant to the provisions of Section 1-  
21 7-106 of Title 10A of the Oklahoma Statutes. A foster parent  
22 eligibility assessment shall be similar to the procedures used by  
23 the Department of Public Safety for determining suitability of an  
24 individual for employment as a highway patrol officer;

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

2 9. "Division" means the section within the Department that is  
3 assigned responsibilities pursuant to the provisions of the Oklahoma  
4 Child Care Facilities Licensing Act;

5 10. "Family child care home" means a family home which provides  
6 care and supervision for seven or fewer children for part of the  
7 twenty-four-hour day. The term "family child care home" shall not  
8 include informal arrangements which parents make independently with  
9 neighbors, friends, and others, or with caretakers in the child's  
10 own home;

11 11. "Full-time care" means continuous care given to a child  
12 beyond a minimum period of twenty-four (24) hours;

13 12. "Large family child care home" means a residential family  
14 home which provides care and supervision for eight to twelve  
15 children for part of the twenty-four-hour day;

16 13. "Part-day child care program" means a program that provides  
17 care and supervision for children and that operates for more than  
18 fifteen (15) and up to thirty (30) hours per week;

19 14. "Program" means the business entity that provides care,  
20 supervision, and learning opportunities for children;

21 15. "Rap back" means a notification from the Oklahoma State  
22 Bureau of Investigation to the Department of subsequent criminal  
23 activity of individuals whose criminal background checks have been  
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1 completed pursuant to the requirements of the Oklahoma Child Care  
2 Facilities Licensing Act;

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

6 17. "Responsible entity" means an individual who is authorized  
7 to obligate the business; and

8 18. "Specialized service professional" means an individual from  
9 an academic discipline or field of expertise who provides  
10 individualized services to a child, such as behavioral or physical  
11 therapists.

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

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