

1 ENGROSSED HOUSE
2 BILL NO. 2331

By: Branham, Munson, Bell,
Brewer, Bush, Roe, Talley
and Albright of the House

3
4 and

5 Smalley, Hicks and Boren of
6 the Senate

7
8 [children - creating the Children Belong With
9 Families Act - effective date]
10
11

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-8-113 of Title 10A, unless
15 there is created a duplication in numbering, reads as follows:

16 A. This section shall be known and may be cited as the
17 "Children Belong With Families Act".

18 B. The Department of Human Services shall create and promulgate
19 rules for a unit within the Department which shall be known as the
20 "Unit for Runaway, Homeless and At-Risk Youth". If the Department
21 employs additional staff for the unit, at least one person hired by
22 the Department shall specialize in the prevention of child human
23 trafficking.
24

1 C. If a child is determined to be homeless by someone
2 including, but not limited to, an employee of the Department, a
3 children's emergency resource center (CERC), a community-based
4 program, a group home or any other person the Department, court, a
5 court-appointed special advocate or a guardian ad litem would
6 consider a credible witness and who is knowledgeable about the
7 referral, this determination may be sufficient evidence to establish
8 deprivation and enter the child into custody through a hearing.
9 Nothing in this subsection shall be construed to mean the child
10 shall enter custody solely for being homeless. The court shall
11 maintain authority in the case and make a final determination of the
12 status of the child.

13 D. If a hearing is held pursuant to subsection C of this
14 section and the child is found to be a deprived child, the
15 Department shall investigate the referral.

16 E. If a child has a referral made as a result of subsection C
17 of this section, the Department may provide or refer the child for
18 services pursuant to subsection F of Section 1-2-105 of Title 10A of
19 the Oklahoma Statutes. The child shall be provided the right to
20 counsel upon a determination to provide or refer the child for
21 services.

22 F. For the purposes of custody pursuant to this section, if the
23 child requests the case to be closed, the case shall only be closed
24 if the court finds the child is not under duress and the Department

1 or person advocating for the child has stated for the court it is in
2 the best interests of the child to close the case. The case may be
3 reopened only once more in a single calendar year if the child is
4 more than fourteen (14) years of age.

5 G. To ensure the intent of the Children Belong With Families
6 Act, the Department shall exhaust all options to ensure the
7 appearance of the child at each hearing.

8 H. If the child is not excused from appearing at a hearing by
9 either the Department or the court and fails to appear, the child
10 may enter into a probationary period. If the child is given notice
11 but does not appear at the next hearing, the court may close the
12 case.

13 I. A child who has entered into custody shall not be prohibited
14 from remaining in a former place of residence unless it is in the
15 best interests of the child and deemed necessary by the court as
16 part of an individualized service plan; provided, that the
17 Department has approved and secured a residence that will be in the
18 least restrictive environment for the child.

19 J. The Department shall not close the case of a child in its
20 custody if, at the time of closure, the child is both dually
21 adjudicated as a deprived child and as a juvenile delinquent or
22 youthful offender and residing in a placement through the Office of
23 Juvenile Affairs.

1 K. If a child is considered absent from care (AFC), absent
2 without leave (AWOL), missing from care (MFC) or is being considered
3 for a form of alternative placement that has a semblance of
4 permanency while the child remains in the custody of the Department,
5 the case shall not be closed unless approved by the Department of
6 Human Services Office of Client Advocacy and the Oklahoma Commission
7 on Children and Youth.

8 L. If the child is considered AFC, AWOL or MFC the case shall
9 not be closed solely due to the inability to find the child.

10 M. The Department shall promulgate rules to implement the
11 provisions of this section.

12 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-1-105, as
13 last amended by Section 1, Chapter 256, O.S.L. 2018 (10A O.S. Supp.
14 2018, Section 1-1-105), is amended to read as follows:

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

17 1. "Abandonment" means:

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

1 c. the failure to respond to notice of deprived
2 proceedings;

3 2. "Abuse" means harm or threatened harm to the health, safety,
4 or welfare of a child by a person responsible for the child's
5 health, safety, or welfare, including but not limited to
6 nonaccidental physical or mental injury, sexual abuse, or sexual
7 exploitation. Provided, however, that nothing contained in the
8 Oklahoma Children's Code shall prohibit any parent from using
9 ordinary force as a means of discipline including, but not limited
10 to, spanking, switching, or paddling.

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

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

20 c. "Sexual exploitation" includes but is not limited to
21 allowing, permitting, encouraging, or forcing a child
22 to engage in prostitution, as defined by law, by any
23 person eighteen (18) years of age or older or by a
24 person responsible for the health, safety, or welfare

1 of a child, or allowing, permitting, encouraging, or
2 engaging in the lewd, obscene, or pornographic, as
3 defined by law, photographing, filming, or depicting
4 of a child in those acts by a person responsible for
5 the health, safety, and welfare of the child;

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

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

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

- 12 a. activities or items that are generally accepted as
13 suitable for children of the same age or level of
14 maturity or that are determined to be developmentally
15 appropriate for a child, based on the development of
16 cognitive, emotional, physical, and behavioral
17 capacities that are typical for an age or age group,
18 and
- 19 b. in the case of a specific child, activities or items
20 that are suitable for that child based on the
21 developmental stages attained by the child with
22 respect to the cognitive, emotional, physical, and
23 behavioral capacities of the specific child.

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

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

12 7. "Behavioral health" means mental health, substance abuse, or
13 co-occurring mental health and substance abuse diagnoses, and the
14 continuum of mental health, substance abuse, or co-occurring mental
15 health and substance abuse treatment;

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

18 9. "Child advocacy center" means a center and the
19 multidisciplinary child abuse team of which it is a member that is
20 accredited by the National Children's Alliance or that is completing
21 a sixth year of reaccreditation. Child advocacy centers shall be
22 classified, based on the child population of a district attorney's
23 district, as follows:
24

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

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

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

12. "Children's emergency resource center" means a community-based program that may provide emergency care and a safe and structured homelike environment or a host home for children providing food, clothing, shelter and hygiene products to each child served; after-school tutoring; counseling services; life-skills training; transition services; assessments; family reunification; respite care; transportation to or from school, doctors' appointments, visitations and other social, school, court or other activities when necessary; and 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

1 have been voluntarily placed by a parent or custodian during a
2 temporary crisis;

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

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

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

24

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

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

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

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

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

20 21. "Deprived child" means a child:

- 21 a. who is for any reason destitute, homeless, or
22 abandoned. For the purpose of this subparagraph,
23 "homeless" shall include but is not limited to minors
24 without a fixed or regularly accompanying adult who

1 have a primary nighttime residence that is a public or
2 private place not designed for or ordinarily used as a
3 regular sleeping accommodation for human beings or who
4 are living in cars, parks, public places, abandoned
5 buildings, substandard housing, bus or train stations
6 or similar settings,

7 b. who does not have the proper parental care or
8 guardianship,

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

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

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

- parent, is determined to be at risk of harm or threatened harm to the health or safety of a child,
- f. who is a child with a disability deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of the child if such nutrition or medical treatment is generally provided to similarly situated children without a disability or children with disabilities; provided that no medical treatment shall be necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child,
- g. who, due to improper parental care and guardianship, is absent from school as specified in Section 10-106 of Title 70 of the Oklahoma Statutes, if the child is subject to compulsory school attendance,
- h. whose parent, legal guardian or custodian for good cause desires to be relieved of custody,
- i. who has been born to a parent whose parental rights to another child have been involuntarily terminated by the court and the conditions which led to the making of the finding, which resulted in the termination of

1 the parental rights of the parent to the other child,
2 have not been corrected, or

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

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

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

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

21 23. "Drug-endangered child" means a child who is at risk of
22 suffering physical, psychological or sexual harm as a result of the
23 use, possession, distribution, manufacture or cultivation of
24 controlled substances, or the attempt of any of these acts, by a

1 person responsible for the health, safety or welfare of the child,
2 as defined in this section. This term includes circumstances
3 wherein the substance abuse of the person responsible for the
4 health, safety or welfare of the child interferes with that person's
5 ability to parent and provide a safe and nurturing environment for
6 the child;

7 24. "Emergency custody" means the custody of a child prior to
8 adjudication of the child following issuance of an order of the
9 district court pursuant to Section 1-4-201 of this title or
10 following issuance of an order of the district court pursuant to an
11 emergency custody hearing, as specified by Section 1-4-203 of this
12 title;

13 25. "Facility" means a place, an institution, a building or
14 part thereof, a set of buildings, or an area whether or not
15 enclosing a building or set of buildings used for the lawful custody
16 and treatment of children;

17 26. "Failure to protect" means failure to take reasonable
18 action to remedy or prevent child abuse or neglect, and includes the
19 conduct of a non-abusing parent or guardian who knows the identity
20 of the abuser or the person neglecting the child, but lies, conceals
21 or fails to report the child abuse or neglect or otherwise take
22 reasonable action to end the abuse or neglect;

23 27. "Foster care" or "foster care services" means continuous
24 twenty-four-hour care and supportive services provided for a child

1 in foster placement including, but not limited to, the care,
2 supervision, guidance, and rearing of a foster child by the foster
3 parent;

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

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

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

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

4 32. "Group home" means a residential facility licensed by the
5 Department to provide full-time care and community-based services
6 for more than five but fewer than thirteen children;

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

12 34. "Heinous and shocking abuse" includes, but is not limited
13 to, aggravated physical abuse that results in serious bodily,
14 mental, or emotional injury. "Serious bodily injury" means injury
15 that involves:

- 16 a. a substantial risk of death,
- 17 b. extreme physical pain,
- 18 c. protracted disfigurement,
- 19 d. a loss or impairment of the function of a body member,
- 20 organ, or mental faculty,
- 21 e. an injury to an internal or external organ or the
- 22 body,
- 23 f. a bone fracture,
- 24 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;

35. "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,
- b. neglect that has resulted in a diagnosis of the child as a failure to thrive,
- c. an act or failure to act by a parent that results in the death or near death of a child or sibling, serious physical or emotional harm, sexual abuse, sexual exploitation, or presents an imminent risk of serious harm to a child, or

1 d. any other similar aggravating circumstance;

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

6 37. "Infant" means a child who is twelve (12) months of age or
7 younger;

8 38. "Institution" means a residential facility offering care
9 and treatment for more than twenty residents;

10 39. a. "Investigation" means a response to an allegation of
11 abuse or neglect that involves a serious and immediate
12 threat to the safety of the child, making it necessary
13 to determine:

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

16 (2) whether child abuse or neglect occurred and
17 whether the family needs prevention- and
18 intervention-related services.

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

21 (1) "substantiated" means the Department has
22 determined, after an investigation of a report of
23 child abuse or neglect and based upon some
24 credible evidence, that child abuse or neglect

1 has occurred. When child abuse or neglect is
2 substantiated, the Department may recommend:

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

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

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

21 (3) "ruled out" means a report in which a child
22 protective services specialist has determined,
23 after an investigation of a report of child abuse
24

1 or neglect, that no child abuse or neglect has
2 occurred;

3 40. "Kinship care" means full-time care of a child by a kinship
4 relation;

5 41. "Kinship guardianship" means a permanent guardianship as
6 defined in this section;

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

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

16 44. "Minor" means the same as the term "child" as defined in
17 this section;

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

21 46. "Multidisciplinary child abuse team" means any team
22 established pursuant to Section 1-9-102 of this title of three or
23 more persons who are trained in the prevention, identification,
24 investigation, prosecution, and treatment of physical and sexual

1 child abuse and who are qualified to facilitate a broad range of
2 prevention- and intervention-related services and services related
3 to child abuse. For purposes of this definition, "freestanding"
4 means a team not used by a child advocacy center for its
5 accreditation;

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

9 48. "Neglect" means:

10 a. the failure or omission to provide any of the
11 following:

- 12 (1) adequate nurturance and affection, food,
13 clothing, shelter, sanitation, hygiene, or
14 appropriate education,
- 15 (2) medical, dental, or behavioral health care,
- 16 (3) supervision or appropriate caretakers, or
- 17 (4) special care made necessary by the physical or
18 mental condition of the child,

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

- 21 (1) the use, possession, sale, or manufacture of
22 illegal drugs,
- 23 (2) illegal activities, or

(3) sexual acts or materials that are not age-appropriate, or
c. abandonment.

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

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

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

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

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

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

15 54. "Protective custody" means custody of a child taken by a
16 law enforcement officer or designated employee of the court without
17 a court order;

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

20 56. "Reasonable and prudent parent standard" means the standard
21 characterized by careful and sensible parental decisions that
22 maintain the health, safety, and best interests of a child while at
23 the same time encouraging the emotional and developmental growth of
24 the child. This standard shall be used by the child's caregiver

1 when determining whether to allow a child to participate in
2 extracurricular, enrichment, cultural, and social activities. For
3 purposes of this definition, the term "caregiver" means a foster
4 parent with whom a child in foster care has been placed, a
5 representative of a group home where a child has been placed or a
6 designated official for a residential child care facility where a
7 child in foster care has been placed;

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

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

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

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

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

23 62. "Safety analysis" means action taken by the Department in
24 response to a report of alleged child abuse or neglect that may

1 include an assessment or investigation based upon an analysis of the
2 information received according to priority guidelines and other
3 criteria adopted by the Department;

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

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

14 65. "Sibling" means a biologically or legally related brother
15 or sister of a child. This includes an individual who satisfies at
16 least one of the following conditions with respect to a child:

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

23 66. "Specialized foster care" means foster care provided to a
24 child in a foster home or agency-contracted home which:

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

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

68. "Temporary custody" means court-ordered custody of an adjudicated deprived child;

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

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

1 a. "sex trafficking" means the recruitment, harboring,
2 transportation, provision, obtaining, patronizing or
3 soliciting of a person for the purpose of a commercial
4 sex act, and

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

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

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

16 71. "Transitional living program" means a residential program
17 that may be attached to an existing facility or operated solely for
18 the purpose of assisting children to develop the skills and
19 abilities necessary for successful adult living. The program may
20 include, but shall not be limited to, reduced staff supervision,
21 vocational training, educational services, employment and employment
22 training, and other appropriate independent living skills training
23 as a part of the transitional living program; and
24

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

SECTION 3. This act shall become effective November 1, 2019.

Passed the House of Representatives the 12th day of March, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the day of , 2019.

Presiding Officer of the Senate