

1 **SENATE FLOOR VERSION**

2 February 27, 2017

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 718

6 By: Griffin

7 An Act relating to the Oklahoma Children's Code;  
8 amending 10A O.S. 2011, Section 1-1-105, as last  
9 amended by Section 1, Chapter 210, O.S.L. 2016 (10A  
10 O.S. Supp. 2016, Section 1-1-105), which relates to  
11 definitions; adding definition; clarifying language;  
12 and providing an effective date.

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

14 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as  
15 last amended by Section 1, Chapter 210, O.S.L. 2016 (10A O.S. Supp.  
16 2016, Section 1-1-105), is amended to read as follows:

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

19 1. "Abandonment" means:

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

22 b. the failure to maintain a significant parental  
23 relationship with a child through visitation or  
24 communication in which incidental or token visits or  
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 ~~this act~~  
8 the 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.  
24

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

- 1 a. nonurban centers in districts with child populations  
2 that are less than sixty thousand (60,000), and  
3 b. midlevel nonurban centers in districts with child  
4 populations equal to or greater than sixty thousand  
5 (60,000), but not including Oklahoma and Tulsa  
6 counties;

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

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

14 12. "Children's emergency resource center" means a community-  
15 based program that may provide emergency care and a safe and  
16 structured home-like environment or a host home for children;  
17 providing food, clothing, shelter and hygiene products to each child  
18 served, after-school tutoring, counseling services, life-skills  
19 training, transition services, assessments, family reunification,  
20 respite care, transportation to/or from school, doctors'  
21 appointments, visitations and other social, school, court or other  
22 activities when necessary and a stable environment for children in  
23 crisis who are not in custody of the Department and who have been

1 voluntarily placed by a parent or custodian during a temporary  
2 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 ~~13.~~ 14. "Concurrent permanency planning" means, when indicated,  
15 the implementation of two plans for a child entering foster care.  
16 One plan focuses on reuniting the parent and child; the other seeks  
17 to find a permanent out-of-home placement for the child with both  
18 plans being pursued simultaneously;

19 ~~14.~~ 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       ~~15.~~ 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       ~~16.~~ 17. "Custodian" means an individual other than a parent,  
8 legal guardian or Indian custodian, to whom legal custody of the  
9 child has been awarded by the court. As used in this title, the  
10 term "custodian" shall not mean the Department of Human Services;

11       ~~17.~~ 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       ~~18.~~ 19. "Department" means the Department of Human Services;

17       ~~19.~~ 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       ~~20.~~ 21. "Deprived child" means a child:

- 21           a. who is for any reason destitute, homeless, or  
22           abandoned,  
23           b. who does not have the proper parental care or  
24           guardianship,

- 1 c. who has been abused, neglected, or is dependent,
- 2 d. whose home is an unfit place for the child by reason
- 3 of depravity on the part of the parent or legal
- 4 guardian of the child, or other person responsible for
- 5 the health or welfare of the child,
- 6 e. who is a child in need of special care and treatment
- 7 because of the child's physical or mental condition,
- 8 and the child's parents, legal guardian, or other
- 9 custodian is unable or willfully fails to provide such
- 10 special care and treatment. As used in this
- 11 paragraph, a child in need of special care and
- 12 treatment includes, but is not limited to, a child who
- 13 at birth tests positive for alcohol or a controlled
- 14 dangerous substance and who, pursuant to a drug or
- 15 alcohol screen of the child and an assessment of the
- 16 parent, is determined to be at risk of harm or
- 17 threatened harm to the health or safety of a child,
- 18 f. who is a child with a disability deprived of the
- 19 nutrition necessary to sustain life or of the medical
- 20 treatment necessary to remedy or relieve a life-
- 21 threatening medical condition in order to cause or
- 22 allow the death of the child if such nutrition or
- 23 medical treatment is generally provided to similarly
- 24 situated children without a disability or children



1 with disabilities; provided that no medical treatment  
2 shall be necessary if, in the reasonable medical  
3 judgment of the attending physician, such treatment  
4 would be futile in saving the life of the child,

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

9 h. whose parent, legal guardian or custodian for good  
10 cause desires to be relieved of custody,

11 i. who has been born to a parent whose parental rights to  
12 another child have been involuntarily terminated by  
13 the court and the conditions which led to the making  
14 of the finding, which resulted in the termination of  
15 the parental rights of the parent to the other child,  
16 have not been corrected, or

17 j. whose parent, legal guardian, or custodian has  
18 subjected another child to abuse or neglect or has  
19 allowed another child to be subjected to abuse or  
20 neglect and is currently a respondent in a deprived  
21 proceeding.

22 Nothing in the Oklahoma Children's Code shall be construed to  
23 mean a child is deprived for the sole reason the parent, legal  
24 guardian, or person having custody or control of a child, in good

1 faith, selects and depends upon spiritual means alone through  
2 prayer, in accordance with the tenets and practice of a recognized  
3 church or religious denomination, for the treatment or cure of  
4 disease or remedial care of such child.

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

9 ~~21.~~ 22. "Dispositional hearing" means a hearing by the court as  
10 provided by Section 1-4-706 of this title;

11 ~~22.~~ 23. "Drug-endangered child" means a child who is at risk of  
12 suffering physical, psychological or sexual harm as a result of the  
13 use, possession, distribution, manufacture or cultivation of  
14 controlled substances, or the attempt of any of these acts, by a  
15 person responsible for the health, safety or welfare of the child,  
16 as defined in paragraph 51 of this section. This term includes  
17 circumstances wherein the substance abuse of the person responsible  
18 for the health, safety or welfare of the child interferes with that  
19 person's ability to parent and provide a safe and nurturing  
20 environment for the child. The term also includes newborns who test  
21 positive for a controlled dangerous substance, with the exception of  
22 those substances administered under the care of a physician;

23 ~~23.~~ 24. "Emergency custody" means the custody of a child prior  
24 to adjudication of the child following issuance of an order of the

1 district court pursuant to Section 1-4-201 of this title or  
2 following issuance of an order of the district court pursuant to an  
3 emergency custody hearing, as specified by Section 1-4-203 of this  
4 title;

5 ~~24.~~ 25. "Facility" means a place, an institution, a building or  
6 part thereof, a set of buildings, or an area whether or not  
7 enclosing a building or set of buildings used for the lawful custody  
8 and treatment of children;

9 ~~25.~~ 26. "Failure to protect" means failure to take reasonable  
10 action to remedy or prevent child abuse or neglect, and includes the  
11 conduct of a non-abusing parent or guardian who knows the identity  
12 of the abuser or the person neglecting the child, but lies, conceals  
13 or fails to report the child abuse or neglect or otherwise take  
14 reasonable action to end the abuse or neglect;

15 ~~26.~~ 27. "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 ~~27.~~ 28. "Foster family home" means the private residence of a  
21 foster parent who provides foster care services to a child. Such  
22 term shall include a nonkinship foster family home, a therapeutic  
23 foster family home, or the home of a relative or other kinship care  
24 home;

1       ~~28.~~ 29. "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       ~~29.~~ 30. "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 a court-  
12 appointed special advocate as well as to any other person appointed  
13 pursuant to the provisions of Section 1-4-306 of this title to serve  
14 as a guardian ad litem;

15       ~~30.~~ 31. "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       ~~31.~~ 32. "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       ~~32.~~ 33. "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 ~~33.~~ 34. "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, 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 ~~34.~~ 35. "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 ~~35.~~ 36. "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.~~ 37. "Infant" means a child who is twelve (12) months of age  
23 or younger;

1        ~~37.~~ 38. "Institution" means a residential facility offering  
2 care and treatment for more than twenty residents;

3        ~~38.~~

4        39. 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" results in a written response stating  
14 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 ~~39.~~ 40. "Kinship care" means full-time care of a child by a  
22 kinship relation;

23 ~~40.~~ 41. "Kinship guardianship" means a permanent guardianship  
24 as defined in this section;



1       ~~41.~~ 42. "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.~~ 43. "Mental health facility" means a mental health or  
8 substance abuse treatment facility as defined by the Inpatient  
9 Mental Health and Substance Abuse Treatment of Minors Act;

10       ~~43.~~ 44. "Minor" means the same as the term "child" as defined  
11 in this section;

12       ~~44.~~ 45. "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.~~ 46. "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  
21 to child abuse. For purposes of this definition, "freestanding"  
22 means a team not used by a child advocacy center for its  
23 accreditation;

24

1       ~~46.~~ 47. "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.~~ 48. "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,

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

11 ~~49.~~ 50. "Permanent custody" means the court-ordered custody of  
12 an 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.~~ 51. "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.~~ 52. "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.~~ 53. "Protective custody" means custody of a child taken by  
5 a law enforcement officer or designated employee of the court  
6 without a court order;

7 ~~53.~~ 54. "Putative father" means an alleged father as that term  
8 is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

9 ~~54.~~ 55. "Reasonable and prudent parent standard" means the  
10 standard characterized by careful and sensible parental decisions  
11 that maintain the health, safety, and best interests of a child  
12 while at the same time encouraging the emotional and developmental  
13 growth of the child. This standard shall be used by the child's  
14 caregiver when determining whether to allow a child to participate  
15 in extracurricular, enrichment, cultural, and social activities.  
16 For purposes of this definition, the term "caregiver" means a foster  
17 parent with whom a child in foster care has been placed, a  
18 representative of a group home where a child has been placed or a  
19 designated official for a residential child care facility where a  
20 child in foster care has been placed;

21 ~~55.~~ 56. "Relative" means a grandparent, great-grandparent,  
22 brother or sister of whole or half blood, aunt, uncle or any other  
23 person related to the child;

24

1       ~~56.~~ 57. "Residential child care facility" means a twenty-four-  
2 hour residential facility where children live together with or are  
3 supervised by adults who are not their parents or relatives;

4       ~~57.~~ 58. "Review hearing" means a hearing by the court pursuant  
5 to Section 1-4-807 of this title;

6       ~~58.~~ 59. "Risk" means the likelihood that an incident of child  
7 abuse or neglect will occur in the future;

8       ~~59.~~ 60. "Safety threat" means the threat of serious harm due to  
9 child abuse or neglect occurring in the present or in the very near  
10 future and without the intervention of another person, a child would  
11 likely or in all probability sustain severe or permanent disability  
12 or injury, illness, or death;

13       ~~60.~~ 61. "Safety analysis" means action taken by the Department  
14 in response to a report of alleged child abuse or neglect that may  
15 include an assessment or investigation based upon an analysis of the  
16 information received according to priority guidelines and other  
17 criteria adopted by the Department;

18       ~~61.~~ 62. "Safety evaluation" means evaluation of a child's  
19 situation by the Department using a structured, evidence-based tool  
20 to determine if the child is subject to a safety threat;

21       ~~62.~~ 63. "Secure facility" means a facility which is designed  
22 and operated to ensure that all entrances and exits from the  
23 facility are subject to the exclusive control of the staff of the  
24 facility, whether or not the juvenile being detained has freedom of

1 movement within the perimeter of the facility, or a facility which  
2 relies on locked rooms and buildings, fences, or physical restraint  
3 in order to control behavior of its residents;

4 ~~63.~~ 64. "Sibling" means a biologically or legally related  
5 brother or sister of a child;

6 ~~64.~~ 65. "Specialized foster care" means foster care provided to  
7 a child in a foster home or agency-contracted home which:

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

13 ~~65.~~ 66. "Successful adulthood program" means a program  
14 specifically designed to assist a child to enhance those skills and  
15 abilities necessary for successful adult living. A successful  
16 adulthood program may include, but shall not be limited to, such  
17 features as minimal direct staff supervision, and the provision of  
18 supportive services to assist children with activities necessary for  
19 finding an appropriate place of residence, completing an education  
20 or vocational training, obtaining employment, or obtaining other  
21 similar services;

22 ~~66.~~ 67. "Temporary custody" means court-ordered custody of an  
23 adjudicated deprived child;

24

1       ~~67.~~ 68. "Therapeutic foster family home" means a foster family  
2 home which provides specific treatment services, pursuant to a  
3 therapeutic foster care contract, which are designed to remedy  
4 social and behavioral problems of a foster child residing in the  
5 home;

6       ~~68.~~ 69. "Trafficking in persons" means sex trafficking or  
7 severe forms of trafficking in persons as described in Section 7102  
8 of Title 22 of the United States Code:

9           a. "sex trafficking" means the recruitment, harboring,  
10           transportation, provision, or obtaining of a person  
11           for the purpose of a commercial sex act, and

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

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

17                   (2) the recruitment, harboring, transportation,  
18                   provision, or obtaining of a person for labor or  
19                   services, through the use of force, fraud, or  
20                   coercion for the purpose of subjection to  
21                   involuntary servitude, peonage, debt bondage, or  
22                   slavery;

23       ~~69.~~ 70. "Transitional living program" means a residential  
24 program that may be attached to an existing facility or operated

1 solely for the purpose of assisting children to develop the skills  
2 and abilities necessary for successful adult living. The program  
3 may include, but shall not be limited to, reduced staff supervision,  
4 vocational training, educational services, employment and employment  
5 training, and other appropriate independent living skills training  
6 as a part of the transitional living program; and

7 ~~70.~~ 71. "Voluntary foster care placement" means the temporary  
8 placement of a child by the parent, legal guardian or custodian of  
9 the child in foster care pursuant to a signed placement agreement  
10 between the Department or a child-placing agency and the child's  
11 parent, legal guardian or custodian.

12 SECTION 2. This act shall become effective November 1, 2017.

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
14 February 27, 2017 - DO PASS AS AMENDED  
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