

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 718 By: Griffin of the Senate  
3 and  
4 Lawson of the House  
5  
6

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), and 10A O.S. 2011,  
11 Section 2-1-103, as last amended by Section 3,  
12 Chapter 362, O.S.L. 2014 (10A O.S. Supp. 2016,  
13 Section 2-1-103), which relate to definitions; adding  
14 and deleting certain definitions; amending 10A O.S.  
15 2011, Section 2-2-101, as last amended by Section 1,  
16 Chapter 261, O.S.L. 2015 (10A O.S. Supp. 2016,  
17 Section 2-2-101), which relates to children in state  
18 custody; deleting certain term; including certain  
19 facilities in certain decisions; amending 10A O.S.  
20 2011, Section 2-7-303, as amended by Section 20,  
21 Chapter 404, O.S.L. 2013 (10A O.S. Supp. 2016,  
22 Section 2-7-303), which relates to community-based  
23 programs; amending 70 O.S. 2011, Section 1-113, as  
24 last amended by Section 1, Chapter 363, O.S.L. 2015  
(70 O.S. Supp. 2016, Section 1-113), which relates to  
residency; including certain facilities; clarifying  
language; and providing an effective date.

20 AMENDMENT NO. 1. Replace the title, enacting clause and entire bill  
21 and insert

22 "An Act relating to children; amending 10A O.S. 2011,  
23 Sections 1-1-105, as last amended by Section 1,  
24 Chapter 210, O.S.L. 2016 and 2-1-103, as last  
amended by Section 3, Chapter 362, O.S.L. 2014 (10A  
O.S. Supp. 2016, Sections 1-1-105 and 2-1-103),

1 which relate to definitions; adding and deleting  
2 certain definitions; amending 10A O.S. 2011, Section  
3 2-2-101, as last amended by Section 1, Chapter 261,  
4 O.S.L. 2015 (10A O.S. Supp. 2016, Section 2-2-101),  
5 which relates to children in state custody; deleting  
6 certain term; including certain facilities in  
7 certain decisions; amending 10A O.S. 2011, Section  
8 2-7-303, as amended by Section 20, Chapter 404,  
9 O.S.L. 2013 (10A O.S. Supp. 2016, Section 2-7-303),  
10 which relates to community-based programs; modifying  
11 term; amending 70 O.S. 2011, Section 1-113, as last  
12 amended by Section 1, Chapter 363, O.S.L. 2015 (70  
13 O.S. Supp. 2016, Section 1-113), which relates to  
14 residency; including certain facilities; clarifying  
15 language; and providing an effective date.

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

17 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as  
18 last amended by Section 1, Chapter 210, O.S.L. 2016 (10A O.S. Supp.  
19 2016, Section 1-1-105), is amended to read as follows:

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

22 1. "Abandonment" means:

- 23 a. the willful intent by words, actions, or omissions not  
24 to return for a child, or
- 25 b. the failure to maintain a significant parental  
26 relationship with a child through visitation or  
27 communication in which incidental or token visits or  
28 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:

- 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 homelike 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 in custody of the Department of Human Services if  
24 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 ~~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;

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;

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;

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. AMENDATORY 10A O.S. 2011, Section 2-1-103, as  
13 last amended by Section 3, Chapter 362, O.S.L. 2014 (10A O.S. Supp.  
14 2016, Section 2-1-103), is amended to read as follows:

15 Section 2-1-103. When used in the Oklahoma Juvenile Code,  
16 unless the context otherwise requires:

17 1. "Adjudicatory hearing" means a hearing to determine whether  
18 the allegations of a petition filed pursuant to the provisions of  
19 Chapter 2 of the Oklahoma Juvenile Code are supported by the  
20 evidence and whether a juvenile should be adjudged to be a ward of  
21 the court;

22 2. "Alternatives to secure detention" means those services and  
23 facilities which are included in the State Plan for the  
24 Establishment of Juvenile Detention Services adopted by the Board of

1 Juvenile Affairs and which are used for the temporary detention of  
2 juveniles in lieu of secure detention in a juvenile detention  
3 facility;

4 3. "Behavioral health" means mental health, substance abuse or  
5 co-occurring mental health and substance abuse diagnoses, and the  
6 continuum of mental health, substance abuse, or co-occurring mental  
7 health and substance abuse treatment;

8 4. "Behavioral health facility" means a mental health or  
9 substance abuse facility as provided for by the Inpatient Mental  
10 Health and Substance Abuse Treatment of Minors Act;

11 5. "Board" means the Board of Juvenile Affairs;

12 6. "Child" or "juvenile" means any person under eighteen (18)  
13 years of age, except for any person charged and convicted for any  
14 offense specified in the Youthful Offender Act or against whom  
15 judgment and sentence has been deferred for such offense, or any  
16 person who is certified as an adult pursuant to any certification  
17 procedure authorized in the Oklahoma Juvenile Code for any offense  
18 which results in a conviction or against whom judgment and sentence  
19 has been deferred for such offense;

20 7. "Child or juvenile in need of mental health and substance  
21 abuse treatment" means a juvenile in need of mental health and  
22 substance abuse treatment as defined by the Inpatient Mental Health  
23 and Substance Abuse Treatment of Minors Act;

1 8. "Child or juvenile in need of supervision" means a juvenile  
2 who:

- 3 a. has repeatedly disobeyed reasonable and lawful  
4 commands or directives of the parent, legal guardian,  
5 or other custodian,  
6 b. is willfully and voluntarily absent from his or her  
7 home without the consent of the parent, legal  
8 guardian, or other custodian for a substantial length  
9 of time or without intent to return,  
10 c. is willfully and voluntarily absent from school, as  
11 specified in Section 10-106 of Title 70 of the  
12 Oklahoma Statutes, if the juvenile is subject to  
13 compulsory school attendance, or  
14 d. has been served with an ex parte or final protective  
15 order pursuant to the Protection from Domestic Abuse  
16 Act;

17 9. "Community-based" means a facility, program or service  
18 located near the home or family of the juvenile, and programs of  
19 community prevention, diversion, supervision and service which  
20 maintain community participation in their planning, operation, and  
21 evaluation. These programs may include but are not limited to  
22 medical, educational, vocational, social, and psychological  
23 guidance, training, counseling, alcoholism treatment, drug  
24 treatment, prevention and diversion programs, diversion programs for

1 first-time offenders, transitional living, independent living and  
2 other rehabilitative services;

3 10. "Community intervention center" means a facility which  
4 serves as a short-term reception facility to receive and hold  
5 juveniles for an alleged violation of a municipal ordinance, state  
6 law or who are alleged to be in need of supervision, as provided for  
7 in subsection D of Section 2-7-305 of this title;

8 11. "Core community-based" means the following community-based  
9 facilities, programs or services provided through contract with the  
10 Office of Juvenile Affairs as provided in Section 2-7-306 of this  
11 title:

- 12 a. screening, evaluation and assessment which includes a  
13 face-to-face screening and evaluation to establish  
14 problem identification and to determine the risk level  
15 of a child or adolescent and may result in clinical  
16 diagnosis or diagnostic impression,
- 17 b. treatment planning which includes preparation of an  
18 individualized treatment plan which is usually done as  
19 part of the screening, evaluation and assessment,
- 20 c. treatment plan reviewing which includes a  
21 comprehensive review and evaluation of the  
22 effectiveness of the treatment plan,
- 23 d. individual counseling which includes face-to-face,  
24 one-on-one interaction between a counselor and a

- 1 juvenile to promote emotional or psychological change  
2 to alleviate the issues, problems, and difficulties  
3 that led to a referral, including ongoing assessment  
4 of the status and response of the juvenile to  
5 treatment as well as psychoeducational intervention,
- 6 e. group counseling which includes a method of treating a  
7 group of individuals using the interaction between a  
8 counselor and two or more juveniles or parents or  
9 guardians to promote positive emotional or behavioral  
10 change, not including social skills development or  
11 daily living skills,
- 12 f. family counseling which includes a face-to-face  
13 interaction between a counselor and the family of the  
14 juvenile to facilitate emotional, psychological or  
15 behavior changes and promote successful communication  
16 and understanding,
- 17 g. crisis intervention counseling which includes  
18 unanticipated, unscheduled face-to-face emergency  
19 intervention provided by a licensed level or qualified  
20 staff with immediate access to a licensed provider to  
21 resolve immediate, overwhelming problems that severely  
22 impair the ability of the juvenile to function or  
23 maintain in the community,
- 24

- 1 h. crisis intervention telephone support which includes  
2 supportive telephone assistance provided by a licensed  
3 level provider or qualified staff with immediate  
4 access to a licensed provider to resolve immediate,  
5 overwhelming problems that severely impair the ability  
6 of the juvenile to function or maintain in the  
7 community,
- 8 i. case management which includes planned linkage,  
9 advocacy and referral assistance provided in  
10 partnership with a client to support that client in  
11 self-sufficiency and community tenure,
- 12 j. case management and home-based services which includes  
13 that part of case management services dedicated to  
14 travel for the purpose of linkage, advocacy and  
15 referral assistance and travel to provide counseling  
16 and support services to families of children as needed  
17 to support specific youth and families in self-  
18 sufficiency and community tenure,
- 19 k. individual rehabilitative treatment which includes  
20 face-to-face service provided one-on-one by qualified  
21 staff to maintain or develop skills necessary to  
22 perform activities of daily living and successful  
23 integration into community life, including educational  
24 and supportive services regarding independent living,

1 self-care, social skills regarding development,  
2 lifestyle changes and recovery principles and  
3 practices,

4 1. group rehabilitative treatment which includes face-to-  
5 face group services provided by qualified staff to  
6 maintain or develop skills necessary to perform  
7 activities of daily living and successful integration  
8 into community life, including educational and  
9 supportive services regarding independent living,  
10 self-care, social skills regarding development,  
11 lifestyle changes and recovery principles and  
12 practices,

13 m. community-based prevention services which include  
14 services delivered in an individual or group setting  
15 by a qualified provider designed to meet the services  
16 needs of a child or youth and family of the child or  
17 youth who has been referred because of identified  
18 problems in the family or community. The group  
19 prevention planned activities must be focused on  
20 reducing the risk that individuals will experience  
21 behavioral, substance abuse or delinquency-related  
22 problems. Appropriate curriculum-based group  
23 activities include, but are not limited to, First  
24 Offender groups, prevention and relationship

1 enhancement groups, anger management groups, life  
2 skills groups, substance abuse education groups,  
3 smoking cessation groups, STD/HIV groups and parenting  
4 groups,

5 n. individual paraprofessional services which include  
6 services delineated in the treatment plan of the  
7 juvenile which are necessary for full integration of  
8 the juvenile into the home and community, but do not  
9 require a professional level of education and  
10 experience. Activities include assisting families  
11 with Medicaid applications, assisting with school and  
12 General Educational Development (GED) enrollment,  
13 assisting youth with independent living arrangements,  
14 providing assistance with educational problems and  
15 deficiencies, acting as a role model for youth while  
16 engaging them in community activities, assisting youth  
17 in seeking and obtaining employment, providing  
18 transportation for required appointments and  
19 activities, participating in recreational activities  
20 and accessing other required community support  
21 services necessary for full community integration and  
22 successful treatment,

23 o. tutoring which includes a tutor and student working  
24 together as a learning team to bring about overall



1 academic success, improved self-esteem and increased  
2 independence as a learner for the student,

3 p. community relations which include public or community  
4 relations activities directed toward the community or  
5 public at large or any segment of the public to  
6 encourage understanding, accessibility and use of  
7 community-based facilities, programs or services,

8 q. ~~emergency shelters and shelter host homes which~~  
9 ~~include emergency living accommodations twenty-four~~  
10 ~~(24) hours a day for a short term, usually ninety (90)~~  
11 ~~days or less, for children and youth in a crisis~~  
12 ~~situation such as abandonment, abuse, neglect,~~  
13 ~~runaway, respite, or law enforcement or court~~  
14 ~~involvement. The shelter or shelter host homes may~~  
15 ~~provide care, education, mental health assessment and~~  
16 ~~treatment, counseling, recreational activities,~~  
17 ~~medical care and referrals needed by children and~~  
18 ~~youth to minimize trauma and aid the transition to a~~  
19 ~~permanent placement children's emergency resource~~  
20 ~~centers that are community-based and that may provide~~  
21 ~~emergency care and a safe and structured homelike~~  
22 ~~environment or a host home for children providing~~  
23 ~~food, clothing, shelter and hygiene products to each~~  
24 ~~child served; after-school tutoring; counseling~~

1 services; life-skills training; transition services;  
2 assessments; family reunification; respite care;  
3 transportation to or from school, doctors'  
4 appointments, visitations and other social, school,  
5 court or other activities when necessary; and a stable  
6 environment for children who have been detained as  
7 delinquent or in need of supervision and temporarily  
8 placed by a court, or children in crisis who are in  
9 custody of the Office of Juvenile Affairs if permitted  
10 under the Office's policies and regulations or who  
11 have been voluntarily placed by a parent or custodian  
12 during a temporary crisis,

13 r. transitional living programs which include a  
14 structured program to help older homeless youth  
15 achieve self-sufficiency and avoid long-term  
16 dependence on social services,

17 s. community-at-risk services (C.A.R.S.) which include a  
18 program provided to juveniles in custody or under the  
19 supervision of the Office of Juvenile Affairs or a  
20 juvenile bureau to prevent out-of-home placement and  
21 to reintegrate juveniles returning from placements.  
22 The program shall include, but not be limited to,  
23 treatment plan development, counseling, diagnostic and  
24

1 evaluation services, mentoring, tutoring, and  
2 supervision of youth in independent living,

3 t. first offender programs which include alternative  
4 diversion programs, as defined by Section 2-2-404 of  
5 this title, and

6 u. other community-based facilities, programs or services  
7 designated by the Board as core community-based  
8 facilities, programs or services;

9 12. "Day treatment" means a program which provides intensive  
10 services to juveniles who reside in their own home, the home of a  
11 relative, or a foster home. Day treatment programs include  
12 educational services and may be operated as a part of a residential  
13 facility;

14 13. "Delinquent child or juvenile" means a juvenile who:

15 a. has violated any federal or state law or municipal  
16 ordinance except a traffic statute or traffic  
17 ordinance or any provision of the Oklahoma Wildlife  
18 Conservation Code, the Oklahoma Vessel and Motor  
19 Regulation Act or the Oklahoma Boating Safety  
20 Regulation Act, or has violated any lawful order of  
21 the court made pursuant to the provisions of the  
22 Oklahoma Juvenile Code, or

23 b. has habitually violated traffic laws, traffic  
24 ordinances or boating safety laws or rules;

1           14. "Dispositional hearing" means a hearing to determine the  
2 order of disposition which should be made with respect to a juvenile  
3 adjudged to be a ward of the court;

4           15. "Executive Director" means the Executive Director of the  
5 Office of Juvenile Affairs;

6           16. "Facility" means a place, an institution, a building or  
7 part thereof, a set of buildings, or an area whether or not  
8 enclosing a building or set of buildings which is used for the  
9 lawful custody and treatment of juveniles. A facility shall not be  
10 considered a correctional facility subject to the provisions of  
11 Title 57 of the Oklahoma Statutes;

12           17. "Graduated sanctions" means a calibrated system of  
13 sanctions designed to ensure that juvenile offenders face uniform,  
14 immediate, and consistent consequences that correspond to the  
15 seriousness of each offender's current offense, prior delinquent  
16 history, and compliance with prior interventions;

17           18. "Group home" means a residential facility with a program  
18 which emphasizes family-style living in a homelike environment.  
19 Said group home may also offer a program within the community to  
20 meet the specialized treatment needs of its residents. A group home  
21 shall not be considered a correctional facility subject to the  
22 provisions of Title 57 of the Oklahoma Statutes;

23           19. "Independent living program" means a program designed to  
24 assist a juvenile to enhance skills and abilities necessary for

1 successful adult living and may include but shall not be limited to  
2 minimal direct staff supervision and supportive services in making  
3 the arrangements necessary for an appropriate place of residence,  
4 completing an education, vocational training, obtaining employment  
5 or other similar services;

6 20. "Institution" means a residential facility offering care  
7 and treatment for more than twenty residents. An institution shall  
8 not be considered a correctional facility subject to the provisions  
9 of Title 57 of the Oklahoma Statutes. Said institution may:

- 10 a. have a program which includes community participation  
11 and community-based services, or
- 12 b. be a secure facility with a program exclusively  
13 designed for a particular category of resident;

14 21. "Juvenile detention facility" means a facility which is  
15 secured by locked rooms, buildings and fences, and meets the  
16 certification standards of the Office and which is entirely separate  
17 from any prison, jail, adult lockup, or other adult facility, for  
18 the temporary care of children. A juvenile detention facility shall  
19 not be considered a correctional facility subject to the provisions  
20 of Title 57 of the Oklahoma Statutes;

21 22. "Municipal juvenile facility" means a facility other than a  
22 community intervention center that accepts a child under eighteen  
23 (18) years of age charged with violating a municipal ordinance and  
24 meets the requirements of Section 2-2-102 of this title;

1 23. "Office" means the Office of Juvenile Affairs;

2 24. "Peer Review" means an initial or annual review and report  
3 to the Office of Juvenile Affairs of the organization, programs,  
4 records and financial condition of a Youth Services Agency by the  
5 Oklahoma Association of Youth Services, or another Oklahoma  
6 nonprofit corporation whose membership consists solely of Youth  
7 Services Agencies and of whom at least a majority of Youth Services  
8 Agencies are members. An annual review may consist of a review of  
9 one or more major areas of the operation of the Youth Services  
10 Agency being reviewed;

11 25. "Person responsible for a juvenile's health or welfare"  
12 includes a parent, a legal guardian, custodian, a foster parent, a  
13 person eighteen (18) years of age or older with whom the juvenile's  
14 parent cohabitates or any other adult residing in the home of the  
15 child, an agent or employee of a public or private residential home,  
16 institution or facility, or an owner, operator, or employee of a  
17 child care facility as defined by Section 402 of Title 10 of the  
18 Oklahoma Statutes;

19 26. "Preliminary inquiry" or "intake" means a mandatory,  
20 preadjudicatory interview of the juvenile and, if available, the  
21 parents, legal guardian, or other custodian of the juvenile, which  
22 is performed by a duly authorized individual to determine whether a  
23 juvenile comes within the purview of the Oklahoma Juvenile Code,  
24

1 whether nonadjudicatory alternatives are available and appropriate,  
2 and if the filing of a petition is necessary;

3 27. "Probation" means a legal status created by court order  
4 whereby a delinquent juvenile is permitted to remain outside an  
5 Office of Juvenile Affairs facility directly or by contract under  
6 prescribed conditions and under supervision by the Office, subject  
7 to return to the court for violation of any of the conditions  
8 prescribed;

9 28. "Rehabilitative facility" means a facility maintained by  
10 the state exclusively for the care, education, training, treatment,  
11 and rehabilitation of juveniles in need of supervision;

12 29. "Responsible adult" means a stepparent, foster parent,  
13 person related to the juvenile in any manner who is eighteen (18)  
14 years of age or older, or any person having an obligation and  
15 authority to care for or safeguard the juvenile in the absence of  
16 another person who is eighteen (18) years of age or older;

17 30. "Secure detention" means the temporary care of juveniles  
18 who require secure custody in physically restricting facilities:

19 a. while under the continuing jurisdiction of the court  
20 pending court disposition, or

21 b. pending placement by the Office of Juvenile Affairs  
22 after adjudication;

23 31. "Secure facility" means a facility, maintained by the state  
24 exclusively for the care, education, training, treatment, and

1 rehabilitation of delinquent juveniles or youthful offenders which  
2 relies on locked rooms and buildings, and fences for physical  
3 restraint in order to control behavior of its residents. A secure  
4 facility shall not be considered a correctional facility subject to  
5 the provisions of Title 57 of the Oklahoma Statutes;

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

14 33. "Youth Services Agency" means a nonprofit corporation with  
15 a local board of directors, officers and staff that has been  
16 designated by the Board as a Youth Services Agency, that is peer  
17 reviewed annually, and that provides community-based facilities,  
18 programs or services to juveniles and their families in the youth  
19 services service area in which it is located.

20 SECTION 3. AMENDATORY 10A O.S. 2011, Section 2-2-101, as  
21 last amended by Section 1, Chapter 261, O.S.L. 2015 (10A O.S. Supp.  
22 2016, Section 2-2-101), is amended to read as follows:  
23  
24



1 Section 2-2-101. A. A child may be taken into custody prior to  
2 the filing of a petition alleging that the child is delinquent or in  
3 need of supervision:

4 1. By a peace officer, without a court order for any criminal  
5 offense for which the officer is authorized to arrest an adult  
6 without a warrant, or if the child is willfully and voluntarily  
7 absent from the home of the child without the consent of the parent,  
8 legal guardian, legal custodian or other person having custody and  
9 control of the child for a substantial length of time or without  
10 intent to return, or if the surroundings of the child are such as to  
11 endanger the welfare of the child;

12 2. By a peace officer or an employee of the court without a  
13 court order, if the child is willfully and voluntarily absent from  
14 the home of the child without the consent of the parent, legal  
15 guardian, legal custodian or other person having custody and control  
16 of the child if the surroundings of the child are such as to  
17 endanger the welfare of the child or, in the reasonable belief of  
18 the employee of the court or peace officer, the child appears to  
19 have run away from home without just cause. For purposes of this  
20 section, a peace officer may reasonably believe that a child has run  
21 away from home when the child refuses to give his or her name or the  
22 name and address of a parent or other person legally responsible for  
23 the care of the child or when the peace officer has reason to doubt  
24 that the name and address given by the child are the actual name and

1 address of the parent or other person legally responsible for the  
2 care of the child. A peace officer or court employee is authorized  
3 by the court to take a child who has run away from home or who, in  
4 the reasonable belief of the peace officer, appears to have run away  
5 from home, to a facility designated by administrative order of the  
6 court for such purposes if the peace officer or court employee is  
7 unable to or has determined that it is unsafe to return the child to  
8 the home of the child or to the custody of his or her parent or  
9 other person legally responsible for the care of the child. Any  
10 such facility receiving a child shall inform a parent or other  
11 person responsible for the care of the child;

12 3. Pursuant to an order of the district court issued on the  
13 application of the office of the district attorney. The application  
14 presented by the district attorney shall be supported by a sworn  
15 affidavit which may be based upon information and belief. The  
16 application shall state facts sufficient to demonstrate to the court  
17 that there is probable cause to believe the child has committed a  
18 crime or is in violation of the terms of probation, parole or order  
19 of the court;

20 4. By order of the district court pursuant to subsection F of  
21 this section when the child is in need of medical or behavioral  
22 health treatment or other action in order to protect the health or  
23 welfare of the child and the parent, legal guardian, legal custodian  
24 or other person having custody or control of the child is unwilling

1 or unavailable to consent to such medical or behavioral health  
2 treatment or other action; and

3 5. Pursuant to an emergency ex parte or a final protective  
4 order of the district court issued at the request of a parent or  
5 legal guardian pursuant to the Protection from Domestic Abuse Act.

6 Any child referred to in this subsection shall not be considered  
7 to be in the custody of the Office of Juvenile Affairs.

8 B. Whenever a child is taken into custody as a delinquent  
9 child, the child shall be detained, held temporarily in the  
10 custodial care of a peace officer or other person employed by a  
11 police department, or be released to the custody of the parent of  
12 the child, legal guardian, legal custodian, attorney or other  
13 responsible adult, upon the written promise of such person to bring  
14 the child to the court at the time fixed if a petition is to be  
15 filed and to assume responsibility for costs for damages caused by  
16 the child if the child commits any delinquent acts after being  
17 released regardless of whether or not a petition is to be filed. It  
18 shall be a misdemeanor for any person to sign the written promise  
19 and then fail to comply with the terms of the promise. Any person  
20 convicted of violating the terms of the written promise shall be  
21 subject to imprisonment in the county jail for not more than six (6)  
22 months or a fine of not more than Five Hundred Dollars (\$500.00), or  
23 by both such fine and imprisonment. In addition, if a parent, legal  
24 guardian, legal custodian, attorney or other responsible adult is

1 notified that the child has been taken into custody, it shall be a  
2 misdemeanor for such person to refuse to assume custody of the child  
3 within a timely manner. If detained, the child shall be taken  
4 immediately before a judge of the district court in the county in  
5 which the child is sought to be detained, or to the place of  
6 detention or ~~shelter~~ a children's emergency resource center or host  
7 home designated by the court. If no judge be available locally, the  
8 person having the child in custody shall immediately report the  
9 detention of the child to the presiding judge of the judicial  
10 administrative district, provided that the child shall not be  
11 detained in custody beyond the next judicial day or for good cause  
12 shown due to problems of arranging for and transporting the child to  
13 and from a secure juvenile detention center, beyond the second  
14 judicial day unless the court shall so order after a detention  
15 hearing to determine if there exists probable cause to detain the  
16 child. The child shall be present at the detention hearing or the  
17 image of the child may be broadcast to the judge by closed-circuit  
18 television or any other electronic means that provides for a two-way  
19 communication of image and sound between the child and the judge.  
20 If the latter judge cannot be reached, such detention shall be  
21 reported immediately to any judge regularly serving within the  
22 judicial administrative district. If detained, a reasonable bond  
23 for release shall be set. Pending further disposition of the case,  
24 a child whose custody has been assumed by the court may be released

1 to the custody of a parent, legal guardian, legal custodian, or  
2 other responsible adult or to any other person appointed by the  
3 court, or be detained pursuant to Chapter 3 of the Oklahoma Juvenile  
4 Code in such place as shall be designated by the court, subject to  
5 further order.

6 C. When a child is taken into custody as a child in need of  
7 supervision, the child shall be detained and held temporarily in the  
8 custodial care of a peace officer or placed within a community  
9 intervention center as defined in subsection D of Section 2-7-305 of  
10 this title, ~~an a children's emergency shelter, emergency shelter~~  
11 resource center or host home, or be released to the custody of the  
12 parent of the child, legal guardian, legal custodian, attorney or  
13 other responsible adult, upon the written promise of such person to  
14 bring the child to court at the time fixed if a petition is to be  
15 filed. A child who is alleged or adjudicated to be in need of  
16 supervision shall not be detained in any jail, lockup, or other  
17 place used for adults convicted of a crime or under arrest and  
18 charged with a crime.

19 D. When any child is taken into custody pursuant to this title  
20 and it reasonably appears to the peace officer, employee of the  
21 court or person acting pursuant to court order that the child is in  
22 need of medical treatment to preserve the health of the child, any  
23 peace officer, any employee of the court or person acting pursuant  
24 to court order shall have the authority to authorize medical

1 examination and medical treatment for any child found to be in need  
2 of medical treatment as diagnosed by a competent medical authority  
3 in the absence of the parent of the child, legal guardian, legal  
4 custodian, or other person having custody and control of the child  
5 who is competent to authorize medical treatment. The officer or the  
6 employee of the court or person acting pursuant to court order shall  
7 authorize said medical treatment only after exercising due diligence  
8 to locate the parent of the child, legal guardian, legal custodian,  
9 or other person legally competent to authorize said medical  
10 treatment. The parent of the child, legal guardian, legal  
11 custodian, or other person having custody and control shall be  
12 responsible for such medical expenses as ordered by the court. No  
13 peace officer, any employee of the court or person acting pursuant  
14 to court order authorizing such treatment in accordance with the  
15 provisions of this section for any child found in need of such  
16 medical treatment shall have any liability, civil or criminal, for  
17 giving such authorization.

18 E. A child who has been taken into custody as otherwise  
19 provided by this Code who appears to be a minor in need of  
20 treatment, as defined by the Inpatient Mental Health and Substance  
21 Abuse Treatment of Minors Act, may be admitted to a behavioral  
22 health treatment facility in accordance with the provisions of the  
23 Inpatient Mental Health and Substance Abuse Treatment of Minors Act.  
24 The parent of the child, legal guardian, legal custodian, or other

1 person having custody and control shall be responsible for such  
2 behavioral health expenses as ordered by the court. No peace  
3 officer, any employee of the court or person acting pursuant to  
4 court order authorizing such treatment in accordance with the  
5 provisions of this section for any child found in need of such  
6 behavioral health evaluation or treatment shall have any liability,  
7 civil or criminal, for giving such authorization.

8 F. 1. A child may be taken into custody pursuant to an order  
9 of the court specifying that the child is in need of medical  
10 treatment or other action to protect the health or welfare of the  
11 child and the parent, legal guardian, legal custodian, or other  
12 responsible adult having custody or control of a child is unwilling  
13 or unavailable to consent to such medical treatment or other action.

14 2. If the child is in need of immediate medical treatment or  
15 other action to protect the health or welfare of the child, the  
16 court may issue an emergency ex parte order upon application of the  
17 district attorney of the county in which the child is located. The  
18 application for an ex parte order may be verbal or in writing and  
19 shall be supported by facts sufficient to demonstrate to the court  
20 that there is reasonable cause to believe that the child is in need  
21 of immediate medical treatment or other action to protect the health  
22 or welfare of the child. The emergency ex parte order shall be in  
23 effect until a full hearing is conducted. A copy of the  
24 application, notice for full hearing and a copy of any ex parte

1 order issued by the court shall be served upon such parent, legal  
2 guardian, legal custodian, or other responsible adult having custody  
3 or control of the child. Within twenty-four (24) hours of the  
4 filing of the application the court shall schedule a full hearing on  
5 the application, regardless of whether an emergency ex parte order  
6 had been issued or denied.

7 3. Except as otherwise provided by paragraph 2 of this  
8 subsection, whenever a child is in need of medical treatment to  
9 protect the health or welfare of the child, or whenever any other  
10 action is necessary to protect the health or welfare of the child,  
11 and the parent of the child, legal guardian, legal custodian, or  
12 other person having custody or control of the child is unwilling or  
13 unavailable to consent to such medical treatment or other action,  
14 the court, upon application of the district attorney of the county  
15 in which the child is located, shall hold a full hearing within five  
16 (5) days of filing the application. Notice of the hearing and a  
17 copy of the application shall be served upon the parent, legal  
18 guardian, legal custodian, or other person having custody or control  
19 of the child.

20 4. At any hearing held pursuant to this subsection, the court  
21 may grant any order or require such medical treatment or other  
22 action as is necessary to protect the health or welfare of the  
23 child.

24



1           5.    a.    The parent, legal guardian, legal custodian, or other  
2                    person having custody or control of the child shall be  
3                    responsible for such medical expenses as ordered by  
4                    the court.

5            b.    No peace officer, any employee of the court or person  
6                    acting pursuant to court order authorizing such  
7                    treatment in accordance with the provisions of this  
8                    subsection for any child found in need of such medical  
9                    treatment shall have any liability, civil or criminal.

10           G.    As a part of the intake process, an employee of the Office  
11           of Juvenile Affairs or a county juvenile bureau shall inquire as to  
12           whether there is any American Indian lineage or ancestry that would  
13           make the child eligible for membership or citizenship in a federally  
14           recognized American Indian tribe or nation. If the employee of the  
15           Office of Juvenile Affairs or a county juvenile bureau determines  
16           that the child may have American Indian lineage or ancestry, the  
17           employee shall notify the primary tribe or nation of membership or  
18           citizenship within three (3) judicial days of completing an intake  
19           of such determination. Any information or records related to taking  
20           the child into custody shall be confidential, shall not be open to  
21           the general public, and shall not be inspected or their contents  
22           disclosed.

1 SECTION 4. AMENDATORY 10A O.S. 2011, Section 2-7-303, as  
2 amended by Section 20, Chapter 404, O.S.L. 2013 (10A O.S. Supp.  
3 2016, Section 2-7-303), is amended to read as follows:

4 Section 2-7-303. The Office of Juvenile Affairs, in its role as  
5 planner and coordinator for juvenile justice and delinquency  
6 prevention services, is hereby authorized to and shall enter into  
7 contracts for the establishment and maintenance of community-based  
8 facilities, services and programs which may include, but are not  
9 limited to: ~~Emergency shelter~~ Children's emergency resource center,  
10 diagnosis, crisis intervention, counseling, group work, case  
11 supervision, job placement, school-based prevention programs,  
12 alternative diversion programs for first-time offenders and for  
13 youth alleged or adjudicated to be in need of supervision,  
14 recruitment and training of volunteers, consultation, case  
15 management services, and agency coordination with emphasis on  
16 keeping youth with a high potential for delinquency out of the  
17 traditional juvenile justice process and community intervention  
18 centers. The Office of Juvenile Affairs shall enter into contracts  
19 with Youth Services Agencies for core community-based facilities,  
20 programs and services based on need as indicated in its State Plan  
21 for Youth Services Agencies.

22 SECTION 5. AMENDATORY 70 O.S. 2011, Section 1-113, as  
23 last amended by Section 1, Chapter 363, O.S.L. 2015 (70 O.S. Supp.  
24 2016, Section 1-113), is amended to read as follows:

1 Section 1-113. A. When used in this section, the residence of  
2 any child for school purposes shall be:

3 1. The legal residence of the parents, guardian, or person  
4 having legal custody.

5 Each school district board of education shall adopt a policy  
6 establishing the requirements for student residency for that  
7 district which provides for residence as described in this  
8 paragraph. Within the discretion of each school district's board of  
9 education, the policy may but is not required to allow for  
10 establishment of residency by affidavit when an adult, whether a  
11 relative or not, who does not fall within one of the categories  
12 listed above, who holds legal residence in the school district, and  
13 who has assumed permanent care and custody of the child files an  
14 affidavit with the school district attesting that they have assumed  
15 custody and the reasons for assuming custody. Any policy allowing  
16 the establishment of residency by affidavit shall require the adult  
17 who provides the affidavit to affirm in such affidavit that the  
18 custody arrangement is permanent and that the adult contributes the  
19 major degree of support to the child. If the school district policy  
20 allows establishment of residency by affidavit, any person who  
21 willfully makes a statement in the affidavit which the person knows  
22 to be false shall, upon conviction, be guilty of a misdemeanor  
23 punishable by imprisonment in the county jail for not more than one  
24 (1) year or a fine of not more than Five Hundred Dollars (\$500.00)

1 or both such fine and imprisonment. Each school district shall  
2 include in its policy on residency any documentation necessary for  
3 the administration of the policy;

4 2. The foster family home, as defined in Section 1-1-105 of  
5 Title 10A of the Oklahoma Statutes, except a therapeutic foster  
6 family home or a specialized foster home where a child is in  
7 voluntary placement as defined in subsection D of this section, in  
8 which the child has been placed:

9 a. by the person or agency having legal custody of the  
10 child pursuant to a court order, or

11 b. by a state agency having legal custody of the child  
12 pursuant to the provisions of Title 10A of the  
13 Oklahoma Statutes.

14 Upon request of the foster parent, the residence of a child  
15 in foster care for school purposes may be changed to the school  
16 district in which the child resided prior to being placed in foster  
17 care or the school district in which the previous foster family home  
18 of the child is located;

19 3. Any orphanage or eleemosynary child care facility having  
20 full-time care and custody;

21 4. Any eleemosynary child care facility in which a child is  
22 placed by a parent or guardian for full-time residential care;  
23 provided, the provision of this paragraph shall apply only to  
24 children who attend a district school by joint agreement of the

1 school district and facility and who are not placed in the facility  
2 through a state contract. For purposes of this paragraph,

3 "eleemosynary child care facility" means a facility:

4 a. where child care and services are provided, and

5 b. which is funded predominantly by benevolent or

6 charitable funds and is exempt from taxation pursuant

7 to the provisions of Section 501(c)(3) of the Internal

8 Revenue Code, 26 U.S.C., Section 501(c)(3);

9 5. Any state-operated institution in which a child has been  
10 placed by a parent or guardian or by a state agency having legal  
11 custody of the child pursuant to the provisions of Title 10A or  
12 Section 3-101 of Title 43A of the Oklahoma Statutes for care and  
13 treatment due to a physical or mental condition of the child;

14 6. Any facility in which a child has been admitted and is  
15 receiving on-site educational services as provided for in Section 3-  
16 104.7 of this title;

17 7. The district in which a child who is entirely self-  
18 supporting resides and attends school; or

19 8. A state-licensed children's emergency resource center or  
20 state-operated emergency shelter.

21 B. No school district shall bear the cost of educating children  
22 who are not residents of this state. A school district may furnish  
23 educational services pursuant to contract as elsewhere provided by  
24 law. A school district may furnish educational services pursuant to

1 a contract to children who do not reside in the United States of  
2 America; provided, the children shall not be counted in the average  
3 daily membership of the school district.

4 C. For the purpose of ensuring that a child placed in a  
5 therapeutic foster family home, as defined in Section 1-1-105 of  
6 Title 10A of the Oklahoma Statutes, receives an appropriate  
7 education, no receiving school district shall be required to enroll  
8 such a child if the enrollment would cause the proportion of  
9 students in therapeutic foster family homes as compared to the  
10 average daily membership of the receiving district for the preceding  
11 school year to exceed two percent (2%). Children served by Head  
12 Start may not be counted for the purpose of this paragraph unless  
13 the child is on an individualized education program provided by the  
14 school district. Any school district may enroll such students who  
15 are outside the student's resident district in therapeutic foster  
16 family home placements which exceed this limit if the school  
17 determines it possesses the ability to provide such child an  
18 appropriate education.

19 D. When a child does not meet the criteria for residency  
20 provided in subsection A of this section and is placed in any of the  
21 following entities which is out of the home of the child and not in  
22 the school district in which the child legally resides:

23 1. A residential facility;

24

1           2. A treatment program or center, including the facility  
2 operated pursuant to Section 485.1 of Title 63 of the Oklahoma  
3 Statutes;

4           3. A therapeutic foster family home as defined in Section 1-1-  
5 105 of Title 10A of the Oklahoma Statutes;

6           4. A specialized foster home, which is a specialized foster  
7 home or an agency-contracted home under the supervision of and  
8 certified as meeting the standards set by the Department of Human  
9 Services and is funded through the Department of Human Services Home  
10 and Community-Based Waiver Services Program; or

11           5. An acute psychiatric care facility,  
12 the entity shall, if the child contends he or she resides in a  
13 school district other than the district where the entity is located,  
14 within eleven (11) days of admittance, notify the school district in  
15 which the entity is located of the admittance.

16           For minors who are persons requiring psychiatric treatment as  
17 defined by Title 43A of the Oklahoma Statutes, on-site educational  
18 services shall be provided beginning on the eleventh day of  
19 admission.

20           Upon provision of educational services to children pursuant to  
21 the provisions of subsection F of this section, the receiving school  
22 district shall receive the State Aid as defined in subsection C of  
23 Section 18-110 of this title for those students.

1 Access to the due process procedure guaranteed to children with  
2 disabilities shall be available to resolve disagreements about the  
3 appropriateness of placements of children with disabilities.

4 E. The governing body of any state institution for children  
5 operated pursuant to the provisions of Title 10A of the Oklahoma  
6 Statutes or Section 3-101 of Title 43A of the Oklahoma Statutes and  
7 the board of education of the school district in which the  
8 institution is located or any other school district in the state  
9 willing to provide necessary educational services may enter into a  
10 contract whereby the district will maintain a school for the  
11 children of the institution, in which event the residence of the  
12 children for school purposes will be considered as being in the  
13 district maintaining the school; provided, however, that upon  
14 release from the school, a child shall be considered as a resident  
15 of the originating school district for school purposes. The  
16 governing body of the state institutions specified in this  
17 subsection shall pay the costs for educating students placed in the  
18 state institution less any amount of funds received for the students  
19 by the school district contracting with the state institution to  
20 provide necessary educational services.

21 F. 1. The school district in which an entity as described in  
22 subsection D of this section exists to serve children in out-of-home  
23 placements shall, upon request of the individual or agency operating  
24 the entity, provide the educational services to which the children



1 in the entity are entitled subject to the limitations provided in  
2 subsection C of this section. No person operating such an entity  
3 may contract for the provision of educational services with any  
4 school district other than the school district in which the entity  
5 is located unless the school district in which the entity is located  
6 agrees in writing to allow another school district to provide the  
7 educational services or unless the person operating the entity  
8 contracts with another school district for the provision of  
9 educational services to be provided through remote Internet-based  
10 courses. No person operating such an entity may contract for the  
11 provision of educational services with more than one school  
12 district.

13 2. Prior to location in a school district, the individual or  
14 agency operating an entity described in subsection D of this section  
15 which requires provision of educational services from the school  
16 district shall notify the local board of education of its  
17 anticipated educational needs. No school district shall be required  
18 to provide educational services for students in the entity until at  
19 least sixty (60) calendar days have elapsed from the time in which  
20 the local board of education was initially notified of the need  
21 unless the school district so agrees to provide the educational  
22 services sooner. The provisions of this paragraph shall not apply  
23 to therapeutic or specialized foster homes.

24

1           3. Educational services provided shall meet or exceed state  
2 accreditation standards. No school district shall be responsible  
3 for any expenses for students in an entity described in subsection D  
4 of this section which are not directly related to the provision of  
5 educational services. A school district shall not be obligated for  
6 expenses of those students in an entity in the current school year  
7 for whom educational services are requested after the first nine (9)  
8 weeks of the current school year for the district if educational  
9 services are requested for twelve or more students than were served  
10 in the first nine (9) weeks, unless the school district chooses to  
11 provide educational services for the current school year. Contracts  
12 and agreements for provision of educational services may allow for  
13 the use of public and private sources of support which are available  
14 to share the costs of educational services and of therapies,  
15 treatments, or support services. Otherwise valid obligations to  
16 provide or pay for such services, such as Medicaid, shall remain in  
17 effect for children who are eligible for the services from sources  
18 other than the school district.

19           4. Upon the request of any residential facility which has  
20 contracted with the Office of Juvenile Affairs to provide either a  
21 regimented juvenile training program or a high-impact wilderness  
22 camp to a minimum of forty students who have been adjudicated, a  
23 school district may contract for the facility to provide the  
24 educational services to those students. Under a contract, the

1 facility shall operate in accordance with all applicable laws,  
2 including compliance with Section 18-114.14 of this title. The  
3 contract shall include the State Aid generated by the students, less  
4 a fee for administrative services which may be retained by the  
5 school district, not to exceed ten percent (10%) of the total on an  
6 annual basis. The school district shall exercise supervision over  
7 the educational program in the facility and bear all responsibility  
8 for required educational reporting. The school district shall  
9 maintain access to all educational records for students in the  
10 facility, and shall provide for the appropriate academic credit and  
11 diplomas. The school district shall be indemnified against any  
12 actions or penalties on the part of the facility which result in  
13 adversity for the school district.

14 G. Any question as to the place of residence of any child for  
15 school purposes shall be decided pursuant to procedures utilized by  
16 the State Department of Education.

17 H. The receiving district shall notify the district of  
18 residence immediately upon finding that the student requires special  
19 education and related services and the district of residence shall  
20 participate in planning the Individualized Education Program (IEP)  
21 for the student and in subsequent reviews of the program in  
22 accordance with the Individuals with Disabilities Education Act  
23 (IDEA).

24 SECTION 6. This act shall become effective November 1, 2017."



1 ENGROSSED SENATE  
2 BILL NO. 718

By: Griffin of the Senate

3 and

4 Lawson of the House

5  
6 An Act relating to the Oklahoma Children's Code;  
7 amending 10A O.S. 2011, Section 1-1-105, as last  
8 amended by Section 1, Chapter 210, O.S.L. 2016 (10A  
9 O.S. Supp. 2016, Section 1-1-105), and 10A O.S. 2011,  
10 Section 2-1-103, as last amended by Section 3,  
11 Chapter 362, O.S.L. 2014 (10A O.S. Supp. 2016,  
12 Section 2-1-103), which relate to definitions; adding  
13 and deleting certain definitions; amending 10A O.S.  
14 2011, Section 2-2-101, as last amended by Section 1,  
15 Chapter 261, O.S.L. 2015 (10A O.S. Supp. 2016,  
16 Section 2-2-101), which relates to children in state  
17 custody; deleting certain term; including certain  
18 facilities in certain decisions; amending 10A O.S.  
19 2011, Section 2-7-303, as amended by Section 20,  
21 Chapter 404, O.S.L. 2013 (10A O.S. Supp. 2016,  
22 Section 2-7-303), which relates to community-based  
23 programs; amending 70 O.S. 2011, Section 1-113, as  
24 last amended by Section 1, Chapter 363, O.S.L. 2015  
(70 O.S. Supp. 2016, Section 1-113), which relates to  
residency; including certain facilities; clarifying  
language; and providing an effective date.

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

SECTION 7. AMENDATORY 10A O.S. 2011, Section 1-1-105, as  
last amended by Section 1, Chapter 210, O.S.L. 2016 (10A O.S. Supp.  
2016, Section 1-1-105), is amended to read as follows:

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

1 1. "Abandonment" means:

- 2 a. the willful intent by words, actions, or omissions not  
3 to return for a child, or  
4 b. the failure to maintain a significant parental  
5 relationship with a child through visitation or  
6 communication in which incidental or token visits or  
7 communication are not considered significant, or  
8 c. the failure to respond to notice of deprived  
9 proceedings;

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

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

1 a child, as defined by law, by a person responsible  
2 for the health, safety, or welfare of the child.

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

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

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

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

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

1 capacities that are typical for an age or age group,  
2 and

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

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

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

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

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



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

- 7           a. nonurban centers in districts with child populations  
8           that are less than sixty thousand (60,000), and
- 9           b. midlevel nonurban centers in districts with child  
10           populations equal to or greater than sixty thousand  
11           (60,000), but not including Oklahoma and Tulsa  
12           counties;

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

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

20           12. "Children's emergency support center" means a community-  
21 based program that may provide emergency care and a safe and  
22 structured home-like environment or a host home for children;  
23 providing food, clothing, shelter and hygiene products to each child  
24 served, after-school tutoring, counseling services, life-skills

1 training, transition services, assessments, family reunification,  
2 respite care, transportation to or from school, doctors'  
3 appointments, visitations and other social, school, court or other  
4 activities when necessary and a stable environment for children in  
5 crisis who are in custody of the Department of Human Services if  
6 permitted under the Department's policies and regulations or who  
7 have been voluntarily placed by a parent or custodian during a  
8 temporary crisis or to assist with a safety plan;

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

20       ~~13.~~ 14. "Concurrent permanency planning" means, when indicated,  
21 the implementation of two plans for a child entering foster care.  
22 One plan focuses on reuniting the parent and child; the other seeks  
23 to find a permanent out-of-home placement for the child with both  
24 plans being pursued simultaneously;

1       ~~14.~~ 15. "Court-appointed special advocate" or "CASA" means a  
2 responsible adult volunteer who has been trained and is supervised  
3 by a court-appointed special advocate program recognized by the  
4 court, and when appointed by the court, serves as an officer of the  
5 court in the capacity as a guardian ad litem;

6       ~~15.~~ 16. "Court-appointed special advocate program" means an  
7 organized program, administered by either an independent, not-for-  
8 profit corporation, a dependent project of an independent, not-for-  
9 profit corporation or a unit of local government, which recruits,  
10 screens, trains, assigns, supervises and supports volunteers to be  
11 available for appointment by the court as guardians ad litem;

12       ~~16.~~ 17. "Custodian" means an individual other than a parent,  
13 legal guardian or Indian custodian, to whom legal custody of the  
14 child has been awarded by the court. As used in this title, the  
15 term "custodian" shall not mean the Department of Human Services;

16       ~~17.~~ 18. "Day treatment" means a nonresidential program which  
17 provides intensive services to a child who resides in the child's  
18 own home, the home of a relative, group home, a foster home or  
19 residential child care facility. Day treatment programs include,  
20 but are not limited to, educational services;

21       ~~18.~~ 19. "Department" means the Department of Human Services;

22       ~~19.~~ 20. "Dependency" means a child who is homeless or without  
23 proper care or guardianship through no fault of his or her parent,  
24 legal guardian, or custodian;

1       ~~20.~~ 21. "Deprived child" means a child:

- 2           a.    who is for any reason destitute, homeless, or  
3                    abandoned,
- 4           b.    who does not have the proper parental care or  
5                    guardianship,
- 6           c.    who has been abused, neglected, or is dependent,
- 7           d.    whose home is an unfit place for the child by reason  
8                    of depravity on the part of the parent or legal  
9                    guardian of the child, or other person responsible for  
10                  the health or welfare of the child,
- 11          e.    who is a child in need of special care and treatment  
12                  because of the child's physical or mental condition,  
13                  and the child's parents, legal guardian, or other  
14                  custodian is unable or willfully fails to provide such  
15                  special care and treatment. As used in this  
16                  paragraph, a child in need of special care and  
17                  treatment includes, but is not limited to, a child who  
18                  at birth tests positive for alcohol or a controlled  
19                  dangerous substance and who, pursuant to a drug or  
20                  alcohol screen of the child and an assessment of the  
21                  parent, is determined to be at risk of harm or  
22                  threatened harm to the health or safety of a child,
- 23          f.    who is a child with a disability deprived of the  
24                  nutrition necessary to sustain life or of the medical

1 treatment necessary to remedy or relieve a life-  
2 threatening medical condition in order to cause or  
3 allow the death of the child if such nutrition or  
4 medical treatment is generally provided to similarly  
5 situated children without a disability or children  
6 with disabilities; provided that no medical treatment  
7 shall be necessary if, in the reasonable medical  
8 judgment of the attending physician, such treatment  
9 would be futile in saving the life of the child,

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

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

16 i. who has been born to a parent whose parental rights to  
17 another child have been involuntarily terminated by  
18 the court and the conditions which led to the making  
19 of the finding, which resulted in the termination of  
20 the parental rights of the parent to the other child,  
21 have not been corrected, or

22 j. whose parent, legal guardian, or custodian has  
23 subjected another child to abuse or neglect or has  
24 allowed another child to be subjected to abuse or

1 neglect and is currently a respondent in a deprived  
2 proceeding.

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

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

14 ~~21.~~ 22. "Dispositional hearing" means a hearing by the court as  
15 provided by Section 1-4-706 of this title;

16 ~~22.~~ 23. "Drug-endangered child" means a child who is at risk of  
17 suffering physical, psychological or sexual harm as a result of the  
18 use, possession, distribution, manufacture or cultivation of  
19 controlled substances, or the attempt of any of these acts, by a  
20 person responsible for the health, safety or welfare of the child,  
21 as defined in paragraph 51 of this section. This term includes  
22 circumstances wherein the substance abuse of the person responsible  
23 for the health, safety or welfare of the child interferes with that  
24 person's ability to parent and provide a safe and nurturing

1 environment for the child. The term also includes newborns who test  
2 positive for a controlled dangerous substance, with the exception of  
3 those substances administered under the care of a physician;

4 ~~23.~~ 24. "Emergency custody" means the custody of a child prior  
5 to adjudication of the child following issuance of an order of the  
6 district court pursuant to Section 1-4-201 of this title or  
7 following issuance of an order of the district court pursuant to an  
8 emergency custody hearing, as specified by Section 1-4-203 of this  
9 title;

10 ~~24.~~ 25. "Facility" means a place, an institution, a building or  
11 part thereof, a set of buildings, or an area whether or not  
12 enclosing a building or set of buildings used for the lawful custody  
13 and treatment of children;

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

20 ~~26.~~ 27. "Foster care" or "foster care services" means  
21 continuous twenty-four-hour care and supportive services provided  
22 for a child in foster placement including, but not limited to, the  
23 care, supervision, guidance, and rearing of a foster child by the  
24 foster parent;

1       ~~27.~~ 28. "Foster family home" means the private residence of a  
2 foster parent who provides foster care services to a child. Such  
3 term shall include a nonkinship foster family home, a therapeutic  
4 foster family home, or the home of a relative or other kinship care  
5 home;

6       ~~28.~~ 29. "Foster parent eligibility assessment" includes a  
7 criminal background investigation including, but not limited to, a  
8 national criminal history records search based upon the submission  
9 of fingerprints, home assessments, and any other assessment required  
10 by the Department of Human Services, the Office of Juvenile Affairs,  
11 or any child-placing agency pursuant to the provisions of the  
12 Oklahoma Child Care Facilities Licensing Act;

13       ~~29.~~ 30. "Guardian ad litem" means a person appointed by the  
14 court pursuant to the provisions of Section 1-4-306 of this title  
15 having those duties and responsibilities as set forth in that  
16 section. The term "guardian ad litem" shall refer to a court-  
17 appointed special advocate as well as to any other person appointed  
18 pursuant to the provisions of Section 1-4-306 of this title to serve  
19 as a guardian ad litem;

20       ~~30.~~ 31. "Guardian ad litem of the estate of the child" means a  
21 person appointed by the court to protect the property interests of a  
22 child pursuant to Section 1-8-108 of this title;



1       ~~31.~~ 32. "Group home" means a residential facility licensed by  
2 the Department to provide full-time care and community-based  
3 services for more than five but fewer than thirteen children;

4       ~~32.~~ 33. "Harm or threatened harm to the health or safety of a  
5 child" means any real or threatened physical, mental, or emotional  
6 injury or damage to the body or mind that is not accidental  
7 including, but not limited to, sexual abuse, sexual exploitation,  
8 neglect, or dependency;

9       ~~33.~~ 34. "Heinous and shocking abuse" includes, but is not  
10 limited to, aggravated physical abuse that results in serious  
11 bodily, mental, or emotional injury. "Serious bodily injury" means  
12 injury that involves:

- 13           a. a substantial risk of death,
- 14           b. extreme physical pain,
- 15           c. protracted disfigurement,
- 16           d. a loss or impairment of the function of a body member,  
17                 organ, or mental faculty,
- 18           e. an injury to an internal or external organ or the  
19                 body,
- 20           f. a bone fracture,
- 21           g. sexual abuse or sexual exploitation,
- 22           h. chronic abuse including, but not limited to, physical,  
23                 emotional, or sexual abuse, or sexual exploitation  
24                 which is repeated or continuing,

- 1 i. torture that includes, but is not limited to,  
2 inflicting, participating in or assisting in  
3 inflicting intense physical or emotional pain upon a  
4 child repeatedly over a period of time for the purpose  
5 of coercing or terrorizing a child or for the purpose  
6 of satisfying the craven, cruel, or prurient desires  
7 of the perpetrator or another person, or  
8 j. any other similar aggravated circumstance;

9 ~~34.~~ 35. "Heinous and shocking neglect" includes, but is not  
10 limited to:

- 11 a. chronic neglect that includes, but is not limited to,  
12 a persistent pattern of family functioning in which  
13 the caregiver has not met or sustained the basic needs  
14 of a child which results in harm to the child,  
15 b. neglect that has resulted in a diagnosis of the child  
16 as a failure to thrive,  
17 c. an act or failure to act by a parent that results in  
18 the death or near death of a child or sibling, serious  
19 physical or emotional harm, sexual abuse, sexual  
20 exploitation, or presents an imminent risk of serious  
21 harm to a child, or  
22 d. any other similar aggravating circumstance;

23 ~~35.~~ 36. "Individualized service plan" means a document written  
24 pursuant to Section 1-4-704 of this title that has the same meaning

1 as "service plan" or "treatment plan" where those terms are used in  
2 the Oklahoma Children's Code;

3 ~~36.~~ 37. "Infant" means a child who is twelve (12) months of age  
4 or younger;

5 ~~37.~~ 38. "Institution" means a residential facility offering  
6 care and treatment for more than twenty residents;

7 ~~38.~~

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

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

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

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

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

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

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

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

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

24

1       ~~39.~~ 40. "Kinship care" means full-time care of a child by a  
2 kinship relation;

3       ~~40.~~ 41. "Kinship guardianship" means a permanent guardianship  
4 as defined in this section;

5       ~~41.~~ 42. "Kinship relation" or "kinship relationship" means  
6 relatives, stepparents, or other responsible adults who have a bond  
7 or tie with a child and/or to whom has been ascribed a family  
8 relationship role with the child's parents or the child; provided,  
9 however, in cases where the Indian Child Welfare Act applies, the  
10 definitions contained in 25 U.S.C., Section 1903 shall control;

11       ~~42.~~ 43. "Mental health facility" means a mental health or  
12 substance abuse treatment facility as defined by the Inpatient  
13 Mental Health and Substance Abuse Treatment of Minors Act;

14       ~~43.~~ 44. "Minor" means the same as the term "child" as defined  
15 in this section;

16       ~~44.~~ 45. "Minor in need of treatment" means a child in need of  
17 mental health or substance abuse treatment as defined by the  
18 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

19       ~~45.~~ 46. "Multidisciplinary child abuse team" means any team  
20 established pursuant to Section 1-9-102 of this title of three or  
21 more persons who are trained in the prevention, identification,  
22 investigation, prosecution, and treatment of physical and sexual  
23 child abuse and who are qualified to facilitate a broad range of  
24 prevention- and intervention-related services and services related

1 to child abuse. For purposes of this definition, "freestanding"  
2 means a team not used by a child advocacy center for its  
3 accreditation;

4 ~~46.~~ 47. "Near death" means a child is in serious or critical  
5 condition, as certified by a physician, as a result of abuse or  
6 neglect;

7 ~~47.~~ 48. "Neglect" means:

8 a. the failure or omission to provide any of the  
9 following:

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

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

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

24 c. abandonment.

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

12 ~~48.~~ 49. "Permanency hearing" means a hearing by the court  
13 pursuant to Section 1-4-811 of this title;

14 ~~49.~~ 50. "Permanent custody" means the court-ordered custody of  
15 an adjudicated deprived child when a parent-child relationship no  
16 longer exists due to termination of parental rights or due to the  
17 death of a parent or parents;

18 ~~50.~~ 51. "Permanent guardianship" means a judicially created  
19 relationship between a child, a kinship relation of the child, or  
20 other adult established pursuant to the provisions of Section 1-4-  
21 709 of this title;

22 ~~51.~~ 52. "Person responsible for a child's health, safety, or  
23 welfare" includes a parent; a legal guardian; custodian; a foster  
24 parent; a person eighteen (18) years of age or older with whom the

1 child's parent cohabitates or any other adult residing in the home  
2 of the child; an agent or employee of a public or private  
3 residential home, institution, facility or day treatment program as  
4 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or  
5 an owner, operator, or employee of a child care facility as defined  
6 by Section 402 of Title 10 of the Oklahoma Statutes;

7 ~~52.~~ 53. "Protective custody" means custody of a child taken by  
8 a law enforcement officer or designated employee of the court  
9 without a court order;

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

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

24



1       ~~55.~~ 56. "Relative" means a grandparent, great-grandparent,  
2 brother or sister of whole or half blood, aunt, uncle or any other  
3 person related to the child;

4       ~~56.~~ 57. "Residential child care facility" means a twenty-four-  
5 hour residential facility where children live together with or are  
6 supervised by adults who are not their parents or relatives;

7       ~~57.~~ 58. "Review hearing" means a hearing by the court pursuant  
8 to Section 1-4-807 of this title;

9       ~~58.~~ 59. "Risk" means the likelihood that an incident of child  
10 abuse or neglect will occur in the future;

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

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

21       ~~61.~~ 62. "Safety evaluation" means evaluation of a child's  
22 situation by the Department using a structured, evidence-based tool  
23 to determine if the child is subject to a safety threat;

1       ~~62.~~ 63. "Secure facility" means a facility which is designed  
2 and operated to ensure that all entrances and exits from the  
3 facility are subject to the exclusive control of the staff of the  
4 facility, whether or not the juvenile being detained has freedom of  
5 movement within the perimeter of the facility, or a facility which  
6 relies on locked rooms and buildings, fences, or physical restraint  
7 in order to control behavior of its residents;

8       ~~63.~~ 64. "Sibling" means a biologically or legally related  
9 brother or sister of a child;

10       ~~64.~~ 65. "Specialized foster care" means foster care provided to  
11 a child in a foster home or agency-contracted home which:

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

17       ~~65.~~ 66. "Successful adulthood program" means a program  
18 specifically designed to assist a child to enhance those skills and  
19 abilities necessary for successful adult living. A successful  
20 adulthood program may include, but shall not be limited to, such  
21 features as minimal direct staff supervision, and the provision of  
22 supportive services to assist children with activities necessary for  
23 finding an appropriate place of residence, completing an education  
24

1 or vocational training, obtaining employment, or obtaining other  
2 similar services;

3 ~~66.~~ 67. "Temporary custody" means court-ordered custody of an  
4 adjudicated deprived child;

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

10 ~~68.~~ 69. "Trafficking in persons" means sex trafficking or  
11 severe forms of trafficking in persons as described in Section 7102  
12 of Title 22 of the United States Code:

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

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

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

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

1                   involuntary servitude, peonage, debt bondage, or  
2                   slavery;

3       ~~69.~~ 70. "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       ~~70.~~ 71. "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 8.        AMENDATORY        10A O.S. 2011, Section 2-1-103, as  
17 last amended by Section 3, Chapter 362, O.S.L. 2014 (10A O.S. Supp.  
18 2016, Section 2-1-103), is amended to read as follows:

19       Section 2-1-103. When used in the Oklahoma Juvenile Code,  
20 unless the context otherwise requires:

21       1. "Adjudicatory hearing" means a hearing to determine whether  
22 the allegations of a petition filed pursuant to the provisions of  
23 Chapter 2 of the Oklahoma Juvenile Code are supported by the  
24

1 evidence and whether a juvenile should be adjudged to be a ward of  
2 the court;

3 2. "Alternatives to secure detention" means those services and  
4 facilities which are included in the State Plan for the  
5 Establishment of Juvenile Detention Services adopted by the Board of  
6 Juvenile Affairs and which are used for the temporary detention of  
7 juveniles in lieu of secure detention in a juvenile detention  
8 facility;

9 3. "Behavioral health" means mental health, substance abuse or  
10 co-occurring mental health and substance abuse diagnoses, and the  
11 continuum of mental health, substance abuse, or co-occurring mental  
12 health and substance abuse treatment;

13 4. "Behavioral health facility" means a mental health or  
14 substance abuse facility as provided for by the Inpatient Mental  
15 Health and Substance Abuse Treatment of Minors Act;

16 5. "Board" means the Board of Juvenile Affairs;

17 6. "Child" or "juvenile" means any person under eighteen (18)  
18 years of age, except for any person charged and convicted for any  
19 offense specified in the Youthful Offender Act or against whom  
20 judgment and sentence has been deferred for such offense, or any  
21 person who is certified as an adult pursuant to any certification  
22 procedure authorized in the Oklahoma Juvenile Code for any offense  
23 which results in a conviction or against whom judgment and sentence  
24 has been deferred for such offense;

1           7. "Child or juvenile in need of mental health and substance  
2 abuse treatment" means a juvenile in need of mental health and  
3 substance abuse treatment as defined by the Inpatient Mental Health  
4 and Substance Abuse Treatment of Minors Act;

5           8. "Child or juvenile in need of supervision" means a juvenile  
6 who:

7           a. has repeatedly disobeyed reasonable and lawful  
8 commands or directives of the parent, legal guardian,  
9 or other custodian,

10          b. is willfully and voluntarily absent from his or her  
11 home without the consent of the parent, legal  
12 guardian, or other custodian for a substantial length  
13 of time or without intent to return,

14          c. is willfully and voluntarily absent from school, as  
15 specified in Section 10-106 of Title 70 of the  
16 Oklahoma Statutes, if the juvenile is subject to  
17 compulsory school attendance, or

18          d. has been served with an ex parte or final protective  
19 order pursuant to the Protection from Domestic Abuse  
20 Act;

21           9. "Community-based" means a facility, program or service  
22 located near the home or family of the juvenile, and programs of  
23 community prevention, diversion, supervision and service which  
24 maintain community participation in their planning, operation, and

1 evaluation. These programs may include but are not limited to  
2 medical, educational, vocational, social, and psychological  
3 guidance, training, counseling, alcoholism treatment, drug  
4 treatment, prevention and diversion programs, diversion programs for  
5 first-time offenders, transitional living, independent living and  
6 other rehabilitative services;

7 10. "Community intervention center" means a facility which  
8 serves as a short-term reception facility to receive and hold  
9 juveniles for an alleged violation of a municipal ordinance, state  
10 law or who are alleged to be in need of supervision, as provided for  
11 in subsection D of Section 2-7-305 of this title;

12 11. "Core community-based" means the following community-based  
13 facilities, programs or services provided through contract with the  
14 Office of Juvenile Affairs as provided in Section 2-7-306 of this  
15 title:

- 16 a. screening, evaluation and assessment which includes a  
17 face-to-face screening and evaluation to establish  
18 problem identification and to determine the risk level  
19 of a child or adolescent and may result in clinical  
20 diagnosis or diagnostic impression,
- 21 b. treatment planning which includes preparation of an  
22 individualized treatment plan which is usually done as  
23 part of the screening, evaluation and assessment,

24

- 1 c. treatment plan reviewing which includes a  
2 comprehensive review and evaluation of the  
3 effectiveness of the treatment plan,
- 4 d. individual counseling which includes face-to-face,  
5 one-on-one interaction between a counselor and a  
6 juvenile to promote emotional or psychological change  
7 to alleviate the issues, problems, and difficulties  
8 that led to a referral, including ongoing assessment  
9 of the status and response of the juvenile to  
10 treatment as well as psychoeducational intervention,
- 11 e. group counseling which includes a method of treating a  
12 group of individuals using the interaction between a  
13 counselor and two or more juveniles or parents or  
14 guardians to promote positive emotional or behavioral  
15 change, not including social skills development or  
16 daily living skills,
- 17 f. family counseling which includes a face-to-face  
18 interaction between a counselor and the family of the  
19 juvenile to facilitate emotional, psychological or  
20 behavior changes and promote successful communication  
21 and understanding,
- 22 g. crisis intervention counseling which includes  
23 unanticipated, unscheduled face-to-face emergency  
24 intervention provided by a licensed level or qualified



1 staff with immediate access to a licensed provider to  
2 resolve immediate, overwhelming problems that severely  
3 impair the ability of the juvenile to function or  
4 maintain in the community,

5 h. crisis intervention telephone support which includes  
6 supportive telephone assistance provided by a licensed  
7 level provider or qualified staff with immediate  
8 access to a licensed provider to resolve immediate,  
9 overwhelming problems that severely impair the ability  
10 of the juvenile to function or maintain in the  
11 community,

12 i. case management which includes planned linkage,  
13 advocacy and referral assistance provided in  
14 partnership with a client to support that client in  
15 self-sufficiency and community tenure,

16 j. case management and home-based services which includes  
17 that part of case management services dedicated to  
18 travel for the purpose of linkage, advocacy and  
19 referral assistance and travel to provide counseling  
20 and support services to families of children as needed  
21 to support specific youth and families in self-  
22 sufficiency and community tenure,

23 k. individual rehabilitative treatment which includes  
24 face-to-face service provided one-on-one by qualified

1 staff to maintain or develop skills necessary to  
2 perform activities of daily living and successful  
3 integration into community life, including educational  
4 and supportive services regarding independent living,  
5 self-care, social skills regarding development,  
6 lifestyle changes and recovery principles and  
7 practices,

8 l. group rehabilitative treatment which includes face-to-  
9 face group services provided by qualified staff to  
10 maintain or develop skills necessary to perform  
11 activities of daily living and successful integration  
12 into community life, including educational and  
13 supportive services regarding independent living,  
14 self-care, social skills regarding development,  
15 lifestyle changes and recovery principles and  
16 practices,

17 m. community-based prevention services which include  
18 services delivered in an individual or group setting  
19 by a qualified provider designed to meet the services  
20 needs of a child or youth and family of the child or  
21 youth who has been referred because of identified  
22 problems in the family or community. The group  
23 prevention planned activities must be focused on  
24 reducing the risk that individuals will experience

1 behavioral, substance abuse or delinquency-related  
2 problems. Appropriate curriculum-based group  
3 activities include, but are not limited to, First  
4 Offender groups, prevention and relationship  
5 enhancement groups, anger management groups, life  
6 skills groups, substance abuse education groups,  
7 smoking cessation groups, STD/HIV groups and parenting  
8 groups,

9 n. individual paraprofessional services which include  
10 services delineated in the treatment plan of the  
11 juvenile which are necessary for full integration of  
12 the juvenile into the home and community, but do not  
13 require a professional level of education and  
14 experience. Activities include assisting families  
15 with Medicaid applications, assisting with school and  
16 General Educational Development (GED) enrollment,  
17 assisting youth with independent living arrangements,  
18 providing assistance with educational problems and  
19 deficiencies, acting as a role model for youth while  
20 engaging them in community activities, assisting youth  
21 in seeking and obtaining employment, providing  
22 transportation for required appointments and  
23 activities, participating in recreational activities  
24 and accessing other required community support

1 services necessary for full community integration and  
2 successful treatment,

3 o. tutoring which includes a tutor and student working  
4 together as a learning team to bring about overall  
5 academic success, improved self-esteem and increased  
6 independence as a learner for the student,

7 p. community relations which include public or community  
8 relations activities directed toward the community or  
9 public at large or any segment of the public to  
10 encourage understanding, accessibility and use of  
11 community-based facilities, programs or services,

12 q. ~~emergency shelters and shelter host homes which~~  
13 ~~include emergency living accommodations twenty-four~~  
14 ~~(24) hours a day for a short term, usually ninety (90)~~  
15 ~~days or less, for children and youth in a crisis~~  
16 ~~situation such as abandonment, abuse, neglect,~~  
17 ~~runaway, respite, or law enforcement or court~~  
18 ~~involvement. The shelter or shelter host homes may~~  
19 ~~provide care, education, mental health assessment and~~  
20 ~~treatment, counseling, recreational activities,~~  
21 ~~medical care and referrals needed by children and~~  
22 ~~youth to minimize trauma and aid the transition to a~~  
23 ~~permanent placement children's emergency support~~  
24 ~~centers that are community based and that may provide~~

1 emergency care and a safe and structured home-like  
2 environment or a host home for children; providing  
3 food, clothing, shelter and hygiene products to each  
4 child served, after-school tutoring, counseling  
5 services, life-skills training, transition services,  
6 assessments, family reunification, respite care,  
7 transportation to or from school, doctors'  
8 appointments, visitations and other social, school,  
9 court or other activities when necessary and a stable  
10 environment for children who have been detained as  
11 delinquent or in need of supervision and temporarily  
12 placed by a court or children in crisis who are in  
13 custody of the Office of Juvenile Affairs if permitted  
14 under the Office's policies and regulations or who  
15 have been voluntarily placed by a parent or custodian  
16 during a temporary crisis,

17 r. transitional living programs which include a  
18 structured program to help older homeless youth  
19 achieve self-sufficiency and avoid long-term  
20 dependence on social services,

21 s. community-at-risk services (C.A.R.S.) which include a  
22 program provided to juveniles in custody or under the  
23 supervision of the Office of Juvenile Affairs or a  
24 juvenile bureau to prevent out-of-home placement and

1 to reintegrate juveniles returning from placements.  
2 The program shall include, but not be limited to,  
3 treatment plan development, counseling, diagnostic and  
4 evaluation services, mentoring, tutoring, and  
5 supervision of youth in independent living,

6 t. first offender programs which include alternative  
7 diversion programs, as defined by Section 2-2-404 of  
8 this title, and

9 u. other community-based facilities, programs or services  
10 designated by the Board as core community-based  
11 facilities, programs or services;

12 12. "Day treatment" means a program which provides intensive  
13 services to juveniles who reside in their own home, the home of a  
14 relative, or a foster home. Day treatment programs include  
15 educational services and may be operated as a part of a residential  
16 facility;

17 13. "Delinquent child or juvenile" means a juvenile who:

18 a. has violated any federal or state law or municipal  
19 ordinance except a traffic statute or traffic  
20 ordinance or any provision of the Oklahoma Wildlife  
21 Conservation Code, the Oklahoma Vessel and Motor  
22 Regulation Act or the Oklahoma Boating Safety  
23 Regulation Act, or has violated any lawful order of  
24

1 the court made pursuant to the provisions of the  
2 Oklahoma Juvenile Code, or

3 b. has habitually violated traffic laws, traffic  
4 ordinances or boating safety laws or rules;

5 14. "Dispositional hearing" means a hearing to determine the  
6 order of disposition which should be made with respect to a juvenile  
7 adjudged to be a ward of the court;

8 15. "Executive Director" means the Executive Director of the  
9 Office of Juvenile Affairs;

10 16. "Facility" means a place, an institution, a building or  
11 part thereof, a set of buildings, or an area whether or not  
12 enclosing a building or set of buildings which is used for the  
13 lawful custody and treatment of juveniles. A facility shall not be  
14 considered a correctional facility subject to the provisions of  
15 Title 57 of the Oklahoma Statutes;

16 17. "Graduated sanctions" means a calibrated system of  
17 sanctions designed to ensure that juvenile offenders face uniform,  
18 immediate, and consistent consequences that correspond to the  
19 seriousness of each offender's current offense, prior delinquent  
20 history, and compliance with prior interventions;

21 18. "Group home" means a residential facility with a program  
22 which emphasizes family-style living in a homelike environment.  
23 Said group home may also offer a program within the community to  
24 meet the specialized treatment needs of its residents. A group home

1 shall not be considered a correctional facility subject to the  
2 provisions of Title 57 of the Oklahoma Statutes;

3 19. "Independent living program" means a program designed to  
4 assist a juvenile to enhance skills and abilities necessary for  
5 successful adult living and may include but shall not be limited to  
6 minimal direct staff supervision and supportive services in making  
7 the arrangements necessary for an appropriate place of residence,  
8 completing an education, vocational training, obtaining employment  
9 or other similar services;

10 20. "Institution" means a residential facility offering care  
11 and treatment for more than twenty residents. An institution shall  
12 not be considered a correctional facility subject to the provisions  
13 of Title 57 of the Oklahoma Statutes. Said institution may:

- 14 a. have a program which includes community participation  
15 and community-based services, or
- 16 b. be a secure facility with a program exclusively  
17 designed for a particular category of resident;

18 21. "Juvenile detention facility" means a facility which is  
19 secured by locked rooms, buildings and fences, and meets the  
20 certification standards of the Office and which is entirely separate  
21 from any prison, jail, adult lockup, or other adult facility, for  
22 the temporary care of children. A juvenile detention facility shall  
23 not be considered a correctional facility subject to the provisions  
24 of Title 57 of the Oklahoma Statutes;



1           22. "Municipal juvenile facility" means a facility other than a  
2 community intervention center that accepts a child under eighteen  
3 (18) years of age charged with violating a municipal ordinance and  
4 meets the requirements of Section 2-2-102 of this title;

5           23. "Office" means the Office of Juvenile Affairs;

6           24. "Peer Review" means an initial or annual review and report  
7 to the Office of Juvenile Affairs of the organization, programs,  
8 records and financial condition of a Youth Services Agency by the  
9 Oklahoma Association of Youth Services, or another Oklahoma  
10 nonprofit corporation whose membership consists solely of Youth  
11 Services Agencies and of whom at least a majority of Youth Services  
12 Agencies are members. An annual review may consist of a review of  
13 one or more major areas of the operation of the Youth Services  
14 Agency being reviewed;

15           25. "Person responsible for a juvenile's health or welfare"  
16 includes a parent, a legal guardian, custodian, a foster parent, a  
17 person eighteen (18) years of age or older with whom the juvenile's  
18 parent cohabitates or any other adult residing in the home of the  
19 child, an agent or employee of a public or private residential home,  
20 institution or facility, or an owner, operator, or employee of a  
21 child care facility as defined by Section 402 of Title 10 of the  
22 Oklahoma Statutes;

23           26. "Preliminary inquiry" or "intake" means a mandatory,  
24 preadjudicatory interview of the juvenile and, if available, the

1 parents, legal guardian, or other custodian of the juvenile, which  
2 is performed by a duly authorized individual to determine whether a  
3 juvenile comes within the purview of the Oklahoma Juvenile Code,  
4 whether nonadjudicatory alternatives are available and appropriate,  
5 and if the filing of a petition is necessary;

6 27. "Probation" means a legal status created by court order  
7 whereby a delinquent juvenile is permitted to remain outside an  
8 Office of Juvenile Affairs facility directly or by contract under  
9 prescribed conditions and under supervision by the Office, subject  
10 to return to the court for violation of any of the conditions  
11 prescribed;

12 28. "Rehabilitative facility" means a facility maintained by  
13 the state exclusively for the care, education, training, treatment,  
14 and rehabilitation of juveniles in need of supervision;

15 29. "Responsible adult" means a stepparent, foster parent,  
16 person related to the juvenile in any manner who is eighteen (18)  
17 years of age or older, or any person having an obligation and  
18 authority to care for or safeguard the juvenile in the absence of  
19 another person who is eighteen (18) years of age or older;

20 30. "Secure detention" means the temporary care of juveniles  
21 who require secure custody in physically restricting facilities:

22 a. while under the continuing jurisdiction of the court  
23 pending court disposition, or  
24

1           b.    pending placement by the Office of Juvenile Affairs  
2                    after adjudication;

3           31.   "Secure facility" means a facility, maintained by the state  
4 exclusively for the care, education, training, treatment, and  
5 rehabilitation of delinquent juveniles or youthful offenders which  
6 relies on locked rooms and buildings, and fences for physical  
7 restraint in order to control behavior of its residents. A secure  
8 facility shall not be considered a correctional facility subject to  
9 the provisions of Title 57 of the Oklahoma Statutes;

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

18          33.   "Youth Services Agency" means a nonprofit corporation with  
19 a local board of directors, officers and staff that has been  
20 designated by the Board as a Youth Services Agency, that is peer  
21 reviewed annually, and that provides community-based facilities,  
22 programs or services to juveniles and their families in the youth  
23 services service area in which it is located.

1 SECTION 9. AMENDATORY 10A O.S. 2011, Section 2-2-101, as  
2 last amended by Section 1, Chapter 261, O.S.L. 2015 (10A O.S. Supp.  
3 2016, Section 2-2-101), is amended to read as follows:

4 Section 2-2-101. A. A child may be taken into custody prior to  
5 the filing of a petition alleging that the child is delinquent or in  
6 need of supervision:

7 1. By a peace officer, without a court order for any criminal  
8 offense for which the officer is authorized to arrest an adult  
9 without a warrant, or if the child is willfully and voluntarily  
10 absent from the home of the child without the consent of the parent,  
11 legal guardian, legal custodian or other person having custody and  
12 control of the child for a substantial length of time or without  
13 intent to return, or if the surroundings of the child are such as to  
14 endanger the welfare of the child;

15 2. By a peace officer or an employee of the court without a  
16 court order, if the child is willfully and voluntarily absent from  
17 the home of the child without the consent of the parent, legal  
18 guardian, legal custodian or other person having custody and control  
19 of the child if the surroundings of the child are such as to  
20 endanger the welfare of the child or, in the reasonable belief of  
21 the employee of the court or peace officer, the child appears to  
22 have run away from home without just cause. For purposes of this  
23 section, a peace officer may reasonably believe that a child has run  
24 away from home when the child refuses to give his or her name or the

1 name and address of a parent or other person legally responsible for  
2 the care of the child or when the peace officer has reason to doubt  
3 that the name and address given by the child are the actual name and  
4 address of the parent or other person legally responsible for the  
5 care of the child. A peace officer or court employee is authorized  
6 by the court to take a child who has run away from home or who, in  
7 the reasonable belief of the peace officer, appears to have run away  
8 from home, to a facility designated by administrative order of the  
9 court for such purposes if the peace officer or court employee is  
10 unable to or has determined that it is unsafe to return the child to  
11 the home of the child or to the custody of his or her parent or  
12 other person legally responsible for the care of the child. Any  
13 such facility receiving a child shall inform a parent or other  
14 person responsible for the care of the child;

15 3. Pursuant to an order of the district court issued on the  
16 application of the office of the district attorney. The application  
17 presented by the district attorney shall be supported by a sworn  
18 affidavit which may be based upon information and belief. The  
19 application shall state facts sufficient to demonstrate to the court  
20 that there is probable cause to believe the child has committed a  
21 crime or is in violation of the terms of probation, parole or order  
22 of the court;

23 4. By order of the district court pursuant to subsection F of  
24 this section when the child is in need of medical or behavioral

1 health treatment or other action in order to protect the health or  
2 welfare of the child and the parent, legal guardian, legal custodian  
3 or other person having custody or control of the child is unwilling  
4 or unavailable to consent to such medical or behavioral health  
5 treatment or other action; and

6 5. Pursuant to an emergency ex parte or a final protective  
7 order of the district court issued at the request of a parent or  
8 legal guardian pursuant to the Protection from Domestic Abuse Act.

9 Any child referred to in this subsection shall not be considered  
10 to be in the custody of the Office of Juvenile Affairs.

11 B. Whenever a child is taken into custody as a delinquent  
12 child, the child shall be detained, held temporarily in the  
13 custodial care of a peace officer or other person employed by a  
14 police department, or be released to the custody of the parent of  
15 the child, legal guardian, legal custodian, attorney or other  
16 responsible adult, upon the written promise of such person to bring  
17 the child to the court at the time fixed if a petition is to be  
18 filed and to assume responsibility for costs for damages caused by  
19 the child if the child commits any delinquent acts after being  
20 released regardless of whether or not a petition is to be filed. It  
21 shall be a misdemeanor for any person to sign the written promise  
22 and then fail to comply with the terms of the promise. Any person  
23 convicted of violating the terms of the written promise shall be  
24 subject to imprisonment in the county jail for not more than six (6)

1 months or a fine of not more than Five Hundred Dollars (\$500.00), or  
2 by both such fine and imprisonment. In addition, if a parent, legal  
3 guardian, legal custodian, attorney or other responsible adult is  
4 notified that the child has been taken into custody, it shall be a  
5 misdemeanor for such person to refuse to assume custody of the child  
6 within a timely manner. If detained, the child shall be taken  
7 immediately before a judge of the district court in the county in  
8 which the child is sought to be detained, or to the place of  
9 detention or ~~shelter~~ a children's emergency support center or host  
10 home designated by the court. If no judge be available locally, the  
11 person having the child in custody shall immediately report the  
12 detention of the child to the presiding judge of the judicial  
13 administrative district, provided that the child shall not be  
14 detained in custody beyond the next judicial day or for good cause  
15 shown due to problems of arranging for and transporting the child to  
16 and from a secure juvenile detention center, beyond the second  
17 judicial day unless the court shall so order after a detention  
18 hearing to determine if there exists probable cause to detain the  
19 child. The child shall be present at the detention hearing or the  
20 image of the child may be broadcast to the judge by closed-circuit  
21 television or any other electronic means that provides for a two-way  
22 communication of image and sound between the child and the judge.  
23 If the latter judge cannot be reached, such detention shall be  
24 reported immediately to any judge regularly serving within the

1 judicial administrative district. If detained, a reasonable bond  
2 for release shall be set. Pending further disposition of the case,  
3 a child whose custody has been assumed by the court may be released  
4 to the custody of a parent, legal guardian, legal custodian, or  
5 other responsible adult or to any other person appointed by the  
6 court, or be detained pursuant to Chapter 3 of the Oklahoma Juvenile  
7 Code in such place as shall be designated by the court, subject to  
8 further order.

9 C. When a child is taken into custody as a child in need of  
10 supervision, the child shall be detained and held temporarily in the  
11 custodial care of a peace officer or placed within a community  
12 intervention center as defined in subsection D of Section 2-7-305 of  
13 this title, ~~an emergency shelter, emergency shelter host home, a~~  
14 children's emergency support center or host home or be released to  
15 the custody of the parent of the child, legal guardian, legal  
16 custodian, attorney or other responsible adult, upon the written  
17 promise of such person to bring the child to court at the time fixed  
18 if a petition is to be filed. A child who is alleged or adjudicated  
19 to be in need of supervision shall not be detained in any jail,  
20 lockup, or other place used for adults convicted of a crime or under  
21 arrest and charged with a crime.

22 D. When any child is taken into custody pursuant to this title  
23 and it reasonably appears to the peace officer, employee of the  
24 court or person acting pursuant to court order that the child is in



1 need of medical treatment to preserve the health of the child, any  
2 peace officer, any employee of the court or person acting pursuant  
3 to court order shall have the authority to authorize medical  
4 examination and medical treatment for any child found to be in need  
5 of medical treatment as diagnosed by a competent medical authority  
6 in the absence of the parent of the child, legal guardian, legal  
7 custodian, or other person having custody and control of the child  
8 who is competent to authorize medical treatment. The officer or the  
9 employee of the court or person acting pursuant to court order shall  
10 authorize said medical treatment only after exercising due diligence  
11 to locate the parent of the child, legal guardian, legal custodian,  
12 or other person legally competent to authorize said medical  
13 treatment. The parent of the child, legal guardian, legal  
14 custodian, or other person having custody and control shall be  
15 responsible for such medical expenses as ordered by the court. No  
16 peace officer, any employee of the court or person acting pursuant  
17 to court order authorizing such treatment in accordance with the  
18 provisions of this section for any child found in need of such  
19 medical treatment shall have any liability, civil or criminal, for  
20 giving such authorization.

21 E. A child who has been taken into custody as otherwise  
22 provided by this Code who appears to be a minor in need of  
23 treatment, as defined by the Inpatient Mental Health and Substance  
24 Abuse Treatment of Minors Act, may be admitted to a behavioral

1 health treatment facility in accordance with the provisions of the  
2 Inpatient Mental Health and Substance Abuse Treatment of Minors Act.  
3 The parent of the child, legal guardian, legal custodian, or other  
4 person having custody and control shall be responsible for such  
5 behavioral health expenses as ordered by the court. No peace  
6 officer, any employee of the court or person acting pursuant to  
7 court order authorizing such treatment in accordance with the  
8 provisions of this section for any child found in need of such  
9 behavioral health evaluation or treatment shall have any liability,  
10 civil or criminal, for giving such authorization.

11 F. 1. A child may be taken into custody pursuant to an order  
12 of the court specifying that the child is in need of medical  
13 treatment or other action to protect the health or welfare of the  
14 child and the parent, legal guardian, legal custodian, or other  
15 responsible adult having custody or control of a child is unwilling  
16 or unavailable to consent to such medical treatment or other action.

17 2. If the child is in need of immediate medical treatment or  
18 other action to protect the health or welfare of the child, the  
19 court may issue an emergency ex parte order upon application of the  
20 district attorney of the county in which the child is located. The  
21 application for an ex parte order may be verbal or in writing and  
22 shall be supported by facts sufficient to demonstrate to the court  
23 that there is reasonable cause to believe that the child is in need  
24 of immediate medical treatment or other action to protect the health

1 or welfare of the child. The emergency ex parte order shall be in  
2 effect until a full hearing is conducted. A copy of the  
3 application, notice for full hearing and a copy of any ex parte  
4 order issued by the court shall be served upon such parent, legal  
5 guardian, legal custodian, or other responsible adult having custody  
6 or control of the child. Within twenty-four (24) hours of the  
7 filing of the application the court shall schedule a full hearing on  
8 the application, regardless of whether an emergency ex parte order  
9 had been issued or denied.

10 3. Except as otherwise provided by paragraph 2 of this  
11 subsection, whenever a child is in need of medical treatment to  
12 protect the health or welfare of the child, or whenever any other  
13 action is necessary to protect the health or welfare of the child,  
14 and the parent of the child, legal guardian, legal custodian, or  
15 other person having custody or control of the child is unwilling or  
16 unavailable to consent to such medical treatment or other action,  
17 the court, upon application of the district attorney of the county  
18 in which the child is located, shall hold a full hearing within five  
19 (5) days of filing the application. Notice of the hearing and a  
20 copy of the application shall be served upon the parent, legal  
21 guardian, legal custodian, or other person having custody or control  
22 of the child.

23 4. At any hearing held pursuant to this subsection, the court  
24 may grant any order or require such medical treatment or other

1 action as is necessary to protect the health or welfare of the  
2 child.

3 5. a. The parent, legal guardian, legal custodian, or other  
4 person having custody or control of the child shall be  
5 responsible for such medical expenses as ordered by  
6 the court.

7 b. No peace officer, any employee of the court or person  
8 acting pursuant to court order authorizing such  
9 treatment in accordance with the provisions of this  
10 subsection for any child found in need of such medical  
11 treatment shall have any liability, civil or criminal.

12 G. As a part of the intake process, an employee of the Office  
13 of Juvenile Affairs or a county juvenile bureau shall inquire as to  
14 whether there is any American Indian lineage or ancestry that would  
15 make the child eligible for membership or citizenship in a federally  
16 recognized American Indian tribe or nation. If the employee of the  
17 Office of Juvenile Affairs or a county juvenile bureau determines  
18 that the child may have American Indian lineage or ancestry, the  
19 employee shall notify the primary tribe or nation of membership or  
20 citizenship within three (3) judicial days of completing an intake  
21 of such determination. Any information or records related to taking  
22 the child into custody shall be confidential, shall not be open to  
23 the general public, and shall not be inspected or their contents  
24 disclosed.

1 SECTION 10. AMENDATORY 10A O.S. 2011, Section 2-7-303,  
2 as amended by Section 20, Chapter 404, O.S.L. 2013 (10A O.S. Supp.  
3 2016, Section 2-7-303), is amended to read as follows:

4 Section 2-7-303. The Office of Juvenile Affairs, in its role as  
5 planner and coordinator for juvenile justice and delinquency  
6 prevention services, is hereby authorized to and shall enter into  
7 contracts for the establishment and maintenance of community-based  
8 facilities, services and programs which may include, but are not  
9 limited to: ~~Emergency shelter~~ Children's emergency support center,  
10 diagnosis, crisis intervention, counseling, group work, case  
11 supervision, job placement, school-based prevention programs,  
12 alternative diversion programs for first-time offenders and for  
13 youth alleged or adjudicated to be in need of supervision,  
14 recruitment and training of volunteers, consultation, case  
15 management services, and agency coordination with emphasis on  
16 keeping youth with a high potential for delinquency out of the  
17 traditional juvenile justice process and community intervention  
18 centers. The Office of Juvenile Affairs shall enter into contracts  
19 with Youth Services Agencies for core community-based facilities,  
20 programs and services based on need as indicated in its State Plan  
21 for Youth Services Agencies.

22 SECTION 11. AMENDATORY 70 O.S. 2011, Section 1-113, as  
23 last amended by Section 1, Chapter 363, O.S.L. 2015 (70 O.S. Supp.  
24 2016, Section 1-113), is amended to read as follows:

1 Section 1-113. A. When used in this section, the residence of  
2 any child for school purposes shall be:

3 1. The legal residence of the parents, guardian, or person  
4 having legal custody.

5 Each school district board of education shall adopt a policy  
6 establishing the requirements for student residency for that  
7 district which provides for residence as described in this  
8 paragraph. Within the discretion of each school district's board of  
9 education, the policy may but is not required to allow for  
10 establishment of residency by affidavit when an adult, whether a  
11 relative or not, who does not fall within one of the categories  
12 listed above, who holds legal residence in the school district, and  
13 who has assumed permanent care and custody of the child files an  
14 affidavit with the school district attesting that they have assumed  
15 custody and the reasons for assuming custody. Any policy allowing  
16 the establishment of residency by affidavit shall require the adult  
17 who provides the affidavit to affirm in such affidavit that the  
18 custody arrangement is permanent and that the adult contributes the  
19 major degree of support to the child. If the school district policy  
20 allows establishment of residency by affidavit, any person who  
21 willfully makes a statement in the affidavit which the person knows  
22 to be false shall, upon conviction, be guilty of a misdemeanor  
23 punishable by imprisonment in the county jail for not more than one  
24 (1) year or a fine of not more than Five Hundred Dollars (\$500.00)

1 or both such fine and imprisonment. Each school district shall  
2 include in its policy on residency any documentation necessary for  
3 the administration of the policy;

4 2. The foster family home, as defined in Section 1-1-105 of  
5 Title 10A of the Oklahoma Statutes, except a therapeutic foster  
6 family home or a specialized foster home where a child is in  
7 voluntary placement as defined in subsection D of this section, in  
8 which the child has been placed:

9 a. by the person or agency having legal custody of the  
10 child pursuant to a court order, or

11 b. by a state agency having legal custody of the child  
12 pursuant to the provisions of Title 10A of the  
13 Oklahoma Statutes.

14 Upon request of the foster parent, the residence of a child  
15 in foster care for school purposes may be changed to the school  
16 district in which the child resided prior to being placed in foster  
17 care or the school district in which the previous foster family home  
18 of the child is located;

19 3. Any orphanage or eleemosynary child care facility having  
20 full-time care and custody;

21 4. Any eleemosynary child care facility in which a child is  
22 placed by a parent or guardian for full-time residential care;  
23 provided, the provision of this paragraph shall apply only to  
24 children who attend a district school by joint agreement of the

1 school district and facility and who are not placed in the facility  
2 through a state contract. For purposes of this paragraph,

3 "eleemosynary child care facility" means a facility:

- 4 a. where child care and services are provided, and
- 5 b. which is funded predominantly by benevolent or  
6 charitable funds and is exempt from taxation pursuant  
7 to the provisions of Section 501(c)(3) of the Internal  
8 Revenue Code, 26 U.S.C., Section 501(c)(3);

9 5. Any state-operated institution in which a child has been  
10 placed by a parent or guardian or by a state agency having legal  
11 custody of the child pursuant to the provisions of Title 10A or  
12 Section 3-101 of Title 43A of the Oklahoma Statutes for care and  
13 treatment due to a physical or mental condition of the child;

14 6. Any facility in which a child has been admitted and is  
15 receiving on-site educational services as provided for in Section 3-  
16 104.7 of this title;

17 7. The district in which a child who is entirely self-  
18 supporting resides and attends school; or

19 8. A state-licensed children's emergency support center or  
20 state-operated emergency shelter.

21 B. No school district shall bear the cost of educating children  
22 who are not residents of this state. A school district may furnish  
23 educational services pursuant to contract as elsewhere provided by  
24 law. A school district may furnish educational services pursuant to



1 a contract to children who do not reside in the United States of  
2 America; provided, the children shall not be counted in the average  
3 daily membership of the school district.

4 C. For the purpose of ensuring that a child placed in a  
5 therapeutic foster family home, as defined in Section 1-1-105 of  
6 Title 10A of the Oklahoma Statutes, receives an appropriate  
7 education, no receiving school district shall be required to enroll  
8 such a child if the enrollment would cause the proportion of  
9 students in therapeutic foster family homes as compared to the  
10 average daily membership of the receiving district for the preceding  
11 school year to exceed two percent (2%). Children served by Head  
12 Start may not be counted for the purpose of this paragraph unless  
13 the child is on an individualized education program provided by the  
14 school district. Any school district may enroll such students who  
15 are outside the student's resident district in therapeutic foster  
16 family home placements which exceed this limit if the school  
17 determines it possesses the ability to provide such child an  
18 appropriate education.

19 D. When a child does not meet the criteria for residency  
20 provided in subsection A of this section and is placed in any of the  
21 following entities which is out of the home of the child and not in  
22 the school district in which the child legally resides:

- 23 1. A residential facility;

1           2. A treatment program or center, including the facility  
2 operated pursuant to Section 485.1 of Title 63 of the Oklahoma  
3 Statutes;

4           3. A therapeutic foster family home as defined in Section 1-1-  
5 105 of Title 10A of the Oklahoma Statutes;

6           4. A specialized foster home, which is a specialized foster  
7 home or an agency-contracted home under the supervision of and  
8 certified as meeting the standards set by the Department of Human  
9 Services and is funded through the Department of Human Services Home  
10 and Community-Based Waiver Services Program; or

11           5. An acute psychiatric care facility,  
12 the entity shall, if the child contends he or she resides in a  
13 school district other than the district where the entity is located,  
14 within eleven (11) days of admittance, notify the school district in  
15 which the entity is located of the admittance.

16           For minors who are persons requiring psychiatric treatment as  
17 defined by Title 43A of the Oklahoma Statutes, on-site educational  
18 services shall be provided beginning on the eleventh day of  
19 admission.

20           Upon provision of educational services to children pursuant to  
21 the provisions of subsection F of this section, the receiving school  
22 district shall receive the State Aid as defined in subsection C of  
23 Section 18-110 of this title for those students.

1 Access to the due process procedure guaranteed to children with  
2 disabilities shall be available to resolve disagreements about the  
3 appropriateness of placements of children with disabilities.

4 E. The governing body of any state institution for children  
5 operated pursuant to the provisions of Title 10A of the Oklahoma  
6 Statutes or Section 3-101 of Title 43A of the Oklahoma Statutes and  
7 the board of education of the school district in which the  
8 institution is located or any other school district in the state  
9 willing to provide necessary educational services may enter into a  
10 contract whereby the district will maintain a school for the  
11 children of the institution, in which event the residence of the  
12 children for school purposes will be considered as being in the  
13 district maintaining the school; provided, however, that upon  
14 release from the school, a child shall be considered as a resident  
15 of the originating school district for school purposes. The  
16 governing body of the state institutions specified in this  
17 subsection shall pay the costs for educating students placed in the  
18 state institution less any amount of funds received for the students  
19 by the school district contracting with the state institution to  
20 provide necessary educational services.

21 F. 1. The school district in which an entity as described in  
22 subsection D of this section exists to serve children in out-of-home  
23 placements shall, upon request of the individual or agency operating  
24 the entity, provide the educational services to which the children

1 in the entity are entitled subject to the limitations provided in  
2 subsection C of this section. No person operating such an entity  
3 may contract for the provision of educational services with any  
4 school district other than the school district in which the entity  
5 is located unless the school district in which the entity is located  
6 agrees in writing to allow another school district to provide the  
7 educational services or unless the person operating the entity  
8 contracts with another school district for the provision of  
9 educational services to be provided through remote Internet-based  
10 courses. No person operating such an entity may contract for the  
11 provision of educational services with more than one school  
12 district.

13 2. Prior to location in a school district, the individual or  
14 agency operating an entity described in subsection D of this section  
15 which requires provision of educational services from the school  
16 district shall notify the local board of education of its  
17 anticipated educational needs. No school district shall be required  
18 to provide educational services for students in the entity until at  
19 least sixty (60) calendar days have elapsed from the time in which  
20 the local board of education was initially notified of the need  
21 unless the school district so agrees to provide the educational  
22 services sooner. The provisions of this paragraph shall not apply  
23 to therapeutic or specialized foster homes.

24

1           3. Educational services provided shall meet or exceed state  
2 accreditation standards. No school district shall be responsible  
3 for any expenses for students in an entity described in subsection D  
4 of this section which are not directly related to the provision of  
5 educational services. A school district shall not be obligated for  
6 expenses of those students in an entity in the current school year  
7 for whom educational services are requested after the first nine (9)  
8 weeks of the current school year for the district if educational  
9 services are requested for twelve or more students than were served  
10 in the first nine (9) weeks, unless the school district chooses to  
11 provide educational services for the current school year. Contracts  
12 and agreements for provision of educational services may allow for  
13 the use of public and private sources of support which are available  
14 to share the costs of educational services and of therapies,  
15 treatments, or support services. Otherwise valid obligations to  
16 provide or pay for such services, such as Medicaid, shall remain in  
17 effect for children who are eligible for the services from sources  
18 other than the school district.

19           4. Upon the request of any residential facility which has  
20 contracted with the Office of Juvenile Affairs to provide either a  
21 regimented juvenile training program or a high-impact wilderness  
22 camp to a minimum of forty students who have been adjudicated, a  
23 school district may contract for the facility to provide the  
24 educational services to those students. Under a contract, the

1 facility shall operate in accordance with all applicable laws,  
2 including compliance with Section 18-114.14 of this title. The  
3 contract shall include the State Aid generated by the students, less  
4 a fee for administrative services which may be retained by the  
5 school district, not to exceed ten percent (10%) of the total on an  
6 annual basis. The school district shall exercise supervision over  
7 the educational program in the facility and bear all responsibility  
8 for required educational reporting. The school district shall  
9 maintain access to all educational records for students in the  
10 facility, and shall provide for the appropriate academic credit and  
11 diplomas. The school district shall be indemnified against any  
12 actions or penalties on the part of the facility which result in  
13 adversity for the school district.

14 G. Any question as to the place of residence of any child for  
15 school purposes shall be decided pursuant to procedures utilized by  
16 the State Department of Education.

17 H. The receiving district shall notify the district of  
18 residence immediately upon finding that the student requires special  
19 education and related services and the district of residence shall  
20 participate in planning the Individualized Education Program (IEP)  
21 for the student and in subsequent reviews of the program in  
22 accordance with the Individuals with Disabilities Education Act  
23 (IDEA).

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

