

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 2565

By: Caldwell (Chad), Rosecrants  
and Russ of the House

4 and

5 Daniels of the Senate

6  
7  
8 An Act relating to children; amending 10A O.S. 2011,  
9 Section 1-1-105, as last amended by Section 1,  
10 Chapter 161, O.S.L. 2020 (10A O.S. Supp. 2020,  
11 Section 1-1-105), which relates to the Oklahoma  
12 Children's Code; updating term; modifying definition  
for deprived child; altering definition for failure  
to protect; modifying definition for neglect;  
excluding specified independent activities; and  
providing an effective date.

13  
14  
15 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
16 entire bill and insert

17 "An Act relating to the Oklahoma Children's Code;  
18 amending 10A O.S. 2011, Section 1-1-105, as last  
19 amended by Section 1, Chapter 161, O.S.L. 2020 (10A  
O.S. Supp. 2020, Section 1-1-105), which relates to  
definitions; modifying definitions; and providing an  
effective date.

20  
21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as  
23 last amended by Section 1, Chapter 161, O.S.L. 2020 (10A O.S. Supp.  
24 2020, Section 1-1-105), is amended to read as follows:

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

3 1. "Abandonment" means:

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

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

- 20 a. "Harm or threatened harm to the health or safety of a  
21 child" means any real or threatened physical, mental,  
22 or emotional injury or damage to the body or mind that  
23 is not accidental including but not limited to sexual  
24 abuse, sexual exploitation, neglect, or dependency.

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

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

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

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

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

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

1 cognitive, emotional, physical, and behavioral  
2 capacities that are typical for an age or age group,  
3 and

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

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

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

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

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

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

9 a. nonurban centers in districts with child populations  
10 that are less than sixty thousand (60,000), and

11 b. midlevel nonurban centers in districts with child  
12 populations equal to or greater than sixty thousand  
13 (60,000), but not including Oklahoma and Tulsa  
14 Counties;

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

19 11. "Child-placing agency" means an agency that arranges for or  
20 places a child in a foster family home, family-style ~~residential~~  
21 living program, group home, adoptive home, or a successful adulthood  
22 program;

23 12. "Children's emergency resource center" means a community-  
24 based program that may provide emergency care and a safe and

1 structured homelike environment or a host home for children  
2 providing food, clothing, shelter and hygiene products to each child  
3 served; after-school tutoring; counseling services; life-skills  
4 training; transition services; assessments; family reunification;  
5 respite care; transportation to or from school, doctors'  
6 appointments, visitations and other social, school, court or other  
7 activities when necessary; and a stable environment for children in  
8 crisis who are in custody of the Department of Human Services if  
9 permitted under the Department's policies and regulations, or who  
10 have been voluntarily placed by a parent or custodian during a  
11 temporary crisis;

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

23 14. "Concurrent permanency planning" means, when indicated, the  
24 implementation of two plans for a child entering foster care. One

1 plan focuses on reuniting the parent and child; the other seeks to  
2 find a permanent out-of-home placement for the child with both plans  
3 being pursued simultaneously;

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

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

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

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

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

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

4        21. "Deprived child" means a child:

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



- 1 parent, is determined to be at risk of harm or  
2 threatened harm to the health or safety of a child,  
3 f. who is a child with a disability deprived of the  
4 nutrition necessary to sustain life or of the medical  
5 treatment necessary to remedy or relieve a life-  
6 threatening medical condition in order to cause or  
7 allow the death of the child if such nutrition or  
8 medical treatment is generally provided to similarly  
9 situated children without a disability or children  
10 with disabilities; provided that no medical treatment  
11 shall be necessary if, in the reasonable medical  
12 judgment of the attending physician, such treatment  
13 would be futile in saving the life of the child,  
14 g. who, due to improper parental care and guardianship,  
15 is absent from school as specified in Section 10-106  
16 of Title 70 of the Oklahoma Statutes, if the child is  
17 subject to compulsory school attendance,  
18 h. whose parent, legal guardian or custodian for good  
19 cause desires to be relieved of custody,  
20 i. who has been born to a parent whose parental rights to  
21 another child have been involuntarily terminated by  
22 the court and the conditions which led to the making  
23 of the finding, which resulted in the termination of  
24

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

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

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

15 Evidence of material, educational or cultural disadvantage as  
16 compared to other children shall not be sufficient to prove that a  
17 child is deprived; the state shall prove that the child is deprived  
18 as defined pursuant to this title.

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

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

1        23. "Drug-endangered child" means a child who is at risk of  
2 suffering physical, psychological or sexual harm as a result of the  
3 use, possession, distribution, manufacture or cultivation of  
4 controlled substances, or the attempt of any of these acts, by a  
5 person responsible for the health, safety or welfare of the child,  
6 as defined in this section. This term includes circumstances  
7 wherein the substance abuse of the person responsible for the  
8 health, safety or welfare of the child interferes with that person's  
9 ability to parent and provide a safe and nurturing environment for  
10 the child;

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

17        25. "Facility" means a place, an institution, a building or  
18 part thereof, a set of buildings, or an area whether or not  
19 enclosing a building or set of buildings used for the lawful custody  
20 and treatment of children;

21        26. "Failure to protect" means failure to take reasonable  
22 action to remedy or prevent child abuse or neglect, and includes the  
23 conduct of a ~~non-abusing~~ nonabusing parent or guardian who knows the  
24 identity of the abuser or the person neglecting the child, but lies,

1 conceals or fails to report the child abuse or neglect or otherwise  
2 take reasonable action to end the abuse or neglect;

3 27. "Family-style living program" means a residential program  
4 providing sustained care and supervision to residents in a ~~home-like~~  
5 homelike environment not located in a building used for commercial  
6 activity;

7 28. "Foster care" or "foster care services" means continuous  
8 twenty-four-hour care and supportive services provided for a child  
9 in foster placement including, but not limited to, the care,  
10 supervision, guidance, and rearing of a foster child by the foster  
11 parent;

12 29. "Foster family home" means the private residence of a  
13 foster parent who provides foster care services to a child. Such  
14 term shall include a nonkinship foster family home, a therapeutic  
15 foster family home, or the home of a relative or other kinship care  
16 home;

17 30. "Foster parent eligibility assessment" includes a criminal  
18 background investigation including, but not limited to, a national  
19 criminal history records search based upon the submission of  
20 fingerprints, home assessments, and any other assessment required by  
21 the Department of Human Services, the Office of Juvenile Affairs, or  
22 any child-placing agency pursuant to the provisions of the Oklahoma  
23 Child Care Facilities Licensing Act;

24

1       31. "Guardian ad litem" means a person appointed by the court  
2 pursuant to the provisions of Section 1-4-306 of this title having  
3 those duties and responsibilities as set forth in that section. The  
4 term "guardian ad litem" shall refer to a court-appointed special  
5 advocate as well as to any other person appointed pursuant to the  
6 provisions of Section 1-4-306 of this title to serve as a guardian  
7 ad litem;

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

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

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

19       35. "Heinous and shocking abuse" includes, but is not limited  
20 to, aggravated physical abuse that results in serious bodily,  
21 mental, or emotional injury. "Serious bodily injury" means injury  
22 that involves:

- 23           a. a substantial risk of death,
- 24           b. extreme physical pain,

- c. protracted disfigurement,
- d. a loss or impairment of the function of a body member, organ, or mental faculty,
- e. an injury to an internal or external organ or the body,
- f. a bone fracture,
- g. sexual abuse or sexual exploitation,
- h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation which is repeated or continuing,
- i. torture that includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person, or
- j. any other similar aggravated circumstance;

36. "Heinous and shocking neglect" includes, but is not limited

to:

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

- 1           b. neglect that has resulted in a diagnosis of the child  
2           as a failure to thrive,  
3           c. an act or failure to act by a parent that results in  
4           the death or near death of a child or sibling, serious  
5           physical or emotional harm, sexual abuse, sexual  
6           exploitation, or presents an imminent risk of serious  
7           harm to a child, or  
8           d. any other similar aggravating circumstance;

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

13          38. "Infant" means a child who is twelve (12) months of age or  
14          younger;

15          39. "Institution" means a residential facility offering care  
16          and treatment for more than twenty residents;

17          40. a. "Investigation" means a response to an allegation of  
18               abuse or neglect that involves a serious and immediate  
19               threat to the safety of the child, making it necessary  
20               to determine:

- 21               (1) the current safety of a child and the risk of  
22               subsequent abuse or neglect, and  
23  
24

1 (2) whether child abuse or neglect occurred and  
2 whether the family needs prevention- and  
3 intervention-related services.

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

6 (1) "substantiated" means the Department has  
7 determined, after an investigation of a report of  
8 child abuse or neglect and based upon some  
9 credible evidence, that child abuse or neglect  
10 has occurred. When child abuse or neglect is  
11 substantiated, the Department may recommend:

12 (a) court intervention if the Department finds  
13 the health, safety, or welfare of the child  
14 is threatened, or

15 (b) child abuse and neglect prevention- and  
16 intervention-related services for the child,  
17 parents or persons responsible for the care  
18 of the child if court intervention is not  
19 determined to be necessary,

20 (2) "unsubstantiated" means the Department has  
21 determined, after an investigation of a report of  
22 child abuse or neglect, that insufficient  
23 evidence exists to fully determine whether child  
24 abuse or neglect has occurred. If child abuse or



1 neglect is unsubstantiated, the Department may  
2 recommend, when determined to be necessary, that  
3 the parents or persons responsible for the care  
4 of the child obtain child abuse and neglect  
5 prevention- and intervention-related services, or

6 (3) "ruled out" means a report in which a child  
7 protective services specialist has determined,  
8 after an investigation of a report of child abuse  
9 or neglect, that no child abuse or neglect has  
10 occurred;

11 41. "Kinship care" means full-time care of a child by a kinship  
12 relation;

13 42. "Kinship guardianship" means a permanent guardianship as  
14 defined in this section;

15 43. "Kinship relation" or "kinship relationship" means  
16 relatives, stepparents, or other responsible adults who have a bond  
17 or tie with a child and/or to whom has been ascribed a family  
18 relationship role with the child's parents or the child; provided,  
19 however, in cases where the Indian Child Welfare Act applies, the  
20 definitions contained in 25 U.S.C., Section 1903 shall control;

21 44. "Mental health facility" means a mental health or substance  
22 abuse treatment facility as defined by the Inpatient Mental Health  
23 and Substance Abuse Treatment of Minors Act;

1       45. "Minor" means the same as the term "child" as defined in  
2 this section;

3       46. "Minor in need of treatment" means a child in need of  
4 mental health or substance abuse treatment as defined by the  
5 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

6       47. "Multidisciplinary child abuse team" means any team  
7 established pursuant to Section 1-9-102 of this title of three or  
8 more persons who are trained in the prevention, identification,  
9 investigation, prosecution, and treatment of physical and sexual  
10 child abuse and who are qualified to facilitate a broad range of  
11 prevention- and intervention-related services and services related  
12 to child abuse. For purposes of this definition, "freestanding"  
13 means a team not used by a child advocacy center for its  
14 accreditation;

15       48. "Near death" means a child is in serious or critical  
16 condition, as certified by a physician, as a result of abuse or  
17 neglect;

18       49. a. "Neglect" means: ~~a.~~  
19               (1) the failure or omission to provide any of the  
20               following:  
21               ~~(1)~~  
22               (a) adequate nurturance and affection, food,  
23               clothing, shelter, sanitation, hygiene, or  
24               appropriate education,

- 1                   ~~(2)~~
- 2                   (b) medical, dental, or behavioral health care,
- 3                   ~~(3)~~
- 4                   (c) supervision or appropriate caretakers to
- 5                   protect the child from harm or threatened
- 6                   harm of which any reasonable and prudent
- 7                   person responsible for the child's health,
- 8                   safety or welfare would be aware, or
- 9                   ~~(4)~~
- 10                  (d) special care made necessary for the child's
- 11                  health and safety by the physical or mental
- 12                  condition of the child,
- 13                  ~~b.~~
- 14                  (2) the failure or omission to protect a child from
- 15                  exposure to any of the following:
- 16                  ~~(1)~~
- 17                  (a) the use, possession, sale, or manufacture of
- 18                  illegal drugs,
- 19                  ~~(2)~~
- 20                  (b) illegal activities, or
- 21                  ~~(3)~~
- 22                  (c) sexual acts or materials that are not age-
- 23                  appropriate, or
- 24                  ~~e.~~

1           (3) abandonment.

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

9           (1) traveling to and from school including by  
10           walking, running or bicycling,

11           (2) traveling to and from nearby commercial or  
12           recreational facilities,

13           (3) engaging in outdoor play,

14           (4) remaining at home unattended for a reasonable  
15           amount of time,

16           (5) remaining in a vehicle if the temperature inside  
17           the vehicle is not or will not become dangerously  
18           hot or cold, except under the conditions  
19           described in Section 11-1119 of Title 47 of the

20           Oklahoma Statutes, or

21           (6) engaging in similar activities alone or with  
22           other children.

23 Nothing in this paragraph shall be construed to mean a child is  
24 abused or neglected for the sole reason the parent, legal guardian

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

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

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

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

20 53. "Person responsible for a child's health, safety, or  
21 welfare" includes a parent; a legal guardian; custodian; a foster  
22 parent; a person eighteen (18) years of age or older with whom the  
23 child's parent cohabitates or any other adult residing in the home  
24 of the child; an agent or employee of a public or private

1 residential home, institution, facility or day treatment program as  
2 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or  
3 an owner, operator, or employee of a child care facility as defined  
4 by Section 402 of Title 10 of the Oklahoma Statutes;

5 54. "Plan of safe care" means a plan developed for an infant  
6 with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum  
7 Disorder upon release from the care of a health care provider that  
8 addresses the health and substance use treatment needs of the infant  
9 and mother or caregiver;

10 55. "Protective custody" means custody of a child taken by a  
11 law enforcement officer or designated employee of the court without  
12 a court order;

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

15 57. "Qualified residential treatment program" means a program  
16 that:

- 17 a. has a trauma-informed treatment model that is designed  
18 to address the needs including clinical needs as  
19 appropriate, of children with serious emotional or  
20 behavioral disorders or disturbances and, with respect  
21 to a child, is able to implement the treatment  
22 identified for the child from a required assessment,
- 23 b. has registered or licensed nursing staff and other  
24 licensed clinical staff who:

- 1 (1) provide care within the scope of their practice  
2 as defined by the laws of this state,  
3 (2) are on-site according to the treatment model  
4 referred to in subparagraph a of this paragraph,  
5 and  
6 (3) are available twenty-four (24) hours a day and  
7 seven (7) days a week,

8 c. to the extent appropriate, and in accordance with the  
9 child's best interest, facilitates participation of  
10 family members in the child's treatment program,

11 d. facilitates outreach to the family members of the  
12 child including siblings, documents how the outreach  
13 is made including contact information, and maintains  
14 contact information for any known biological family of  
15 the child,

16 e. documents how family members are integrated into the  
17 treatment process for the child including post-  
18 discharge, and how sibling connections are maintained,

19 f. provides discharge planning and family-based aftercare  
20 support for at least ~~6~~ six (6) months post-discharge,  
21 and

22 g. is licensed and accredited by any of the following  
23 independent, not-for-profit organizations:  
24

- 1 (1) The Commission on Accreditation of Rehabilitation  
2 Facilities (CARF),
- 3 (2) The Joint Commission on Accreditation of  
4 Healthcare Organizations (JCAHO),
- 5 (3) The Council on Accreditation (COA), or
- 6 (4) any other federally approved independent, not-  
7 for-profit accrediting organization;

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

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



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

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

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

8       63. "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       64. "Safety analysis" means action taken by the Department in  
14 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       65. "Safety evaluation" means evaluation of a child's situation  
19 by the Department using a structured, evidence-based tool to  
20 determine if the child is subject to a safety threat;

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

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

4 67. "Sibling" means a biologically or legally related brother  
5 or sister of a child. This includes an individual who satisfies at  
6 least one of the following conditions with respect to a child:

- 7 a. the individual is considered by state law to be a  
8 sibling of the child, or
- 9 b. the individual would have been considered a sibling  
10 under state law but for a termination or other  
11 disruption of parental rights, such as the death of a  
12 parent;

13 68. "Specialized foster care" means foster care provided to a  
14 child in a foster home or agency-contracted home which:

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

20 69. "Successful adulthood program" means a program specifically  
21 designed to assist a child to enhance those skills and abilities  
22 necessary for successful adult living. A successful adulthood  
23 program may include, but shall not be limited to, such features as  
24 minimal direct staff supervision, and the provision of supportive

1 services to assist children with activities necessary for finding an  
2 appropriate place of residence, completing an education or  
3 vocational training, obtaining employment, or obtaining other  
4 similar services;

5 70. "Temporary custody" means court-ordered custody of an  
6 adjudicated deprived child;

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

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

15 a. "sex trafficking" means the recruitment, harboring,  
16 transportation, provision, obtaining, patronizing or  
17 soliciting of a person for the purpose of a commercial  
18 sex act, and

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

20 (1) sex trafficking in which a commercial sex act is  
21 induced by force, fraud, or coercion, or in which  
22 the person induced to perform such act has not  
23 attained eighteen (18) years of age, or  
24

1 (2) the recruitment, harboring, transportation,  
2 provision, obtaining, patronizing or soliciting  
3 of a person for labor or services, through the  
4 use of force, fraud, or coercion for the purpose  
5 of subjection to involuntary servitude, peonage,  
6 debt bondage, or slavery;

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

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

20 SECTION 2. This act shall become effective November 1, 2021."  
21  
22  
23  
24

1 Passed the Senate the 21st day of April, 2021.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2021.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives