

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 HOUSE BILL NO. 2565

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

6 and

7 Daniels of the Senate

8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Children's Code;  
11 amending 10A O.S. 2011, Section 1-1-105, as last  
12 amended by Section 1, Chapter 161, O.S.L. 2020 (10A  
13 O.S. Supp. 2020, Section 1-1-105), which relates to  
14 definitions; modifying definitions; and providing an  
15 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 161, O.S.L. 2020 (10A O.S. Supp.  
19 2020, 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

- 1           b. the failure to maintain a significant parental  
2 relationship with a child through visitation or  
3 communication in which incidental or token visits or  
4 communication are not considered significant, or  
5           c. the failure to respond to notice of deprived  
6 proceedings;

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

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

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

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

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

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

17 a. activities or items that are generally accepted as  
18 suitable for children of the same age or level of  
19 maturity or that are determined to be developmentally  
20 appropriate for a child, based on the development of  
21 cognitive, emotional, physical, and behavioral  
22 capacities that are typical for an age or age group,  
23 and  
24

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

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

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

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

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

23           9.    "Child advocacy center" means a center and the  
24 multidisciplinary child abuse team of which it is a member that is

1 accredited by the National Children's Alliance or that is completing  
2 a sixth year of reaccreditation. Child advocacy centers shall be  
3 classified, based on the child population of a district attorney's  
4 district, as follows:

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

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

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

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

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

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

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

24

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

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

22 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 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 Evidence of material, educational or cultural disadvantage as  
11 compared to other children shall not be sufficient to prove that a  
12 child is deprived; the state must prove that the child is deprived  
13 as defined pursuant to this section.

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

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

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

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

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

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

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

22 27. "Family-style living program" means a residential program  
23 providing sustained care and supervision to residents in a ~~home-like~~  
24

1 homelike environment not located in a building used for commercial  
2 activity;

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

8 29. "Foster family home" means the private residence of a  
9 foster parent who provides foster care services to a child. Such  
10 term shall include a ~~non-kinship~~ nonkinship foster family home, a  
11 therapeutic foster family home, or the home of a relative or other  
12 kinship care home;

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

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

1 provisions of Section 1-4-306 of this title to serve as a guardian  
2 ad litem;

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

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

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

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

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

- 1 f. a bone fracture,
- 2 g. sexual abuse or sexual exploitation,
- 3 h. chronic abuse including, but not limited to, physical,
- 4 emotional, or sexual abuse, or sexual exploitation
- 5 which is repeated or continuing,
- 6 i. torture that includes, but is not limited to,
- 7 inflicting, participating in or assisting in
- 8 inflicting intense physical or emotional pain upon a
- 9 child repeatedly over a period of time for the purpose
- 10 of coercing or terrorizing a child or for the purpose
- 11 of satisfying the craven, cruel, or prurient desires
- 12 of the perpetrator or another person, or
- 13 j. any other similar aggravated circumstance;

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

15 to:

- 16 a. chronic neglect that includes, but is not limited to,
- 17 a persistent pattern of family functioning in which
- 18 the caregiver has not met or sustained the basic needs
- 19 of a child which results in harm to the child,
- 20 b. neglect that has resulted in a diagnosis of the child
- 21 as a failure to thrive,
- 22 c. an act or failure to act by a parent that results in
- 23 the death or near death of a child or sibling, serious
- 24 physical or emotional harm, sexual abuse, sexual

1 exploitation, or presents an imminent risk of serious  
2 harm to a child, or

3 d. any other similar aggravating circumstance;

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

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

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

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

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

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

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

23 (1) "substantiated" means the Department has  
24 determined, after an investigation of a report of

1 child abuse or neglect and based upon some  
2 credible evidence, that child abuse or neglect  
3 has occurred. When child abuse or neglect is  
4 substantiated, the Department may recommend:

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

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

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

23 (3) "ruled out" means a report in which a child  
24 protective services specialist has determined,



1 after an investigation of a report of child abuse  
2 or neglect, that no child abuse or neglect has  
3 occurred;

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

6 42. "Kinship guardianship" means a permanent guardianship as  
7 defined in this section;

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

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

17 45. "Minor" means the same as the term "child" as defined in  
18 this section;

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

22 47. "Multidisciplinary child abuse team" means any team  
23 established pursuant to Section 1-9-102 of this title of three or  
24 more persons who are trained in the prevention, identification,

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

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

10 49. "Neglect" means:

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

- 13 (1) adequate nurturance and affection, food,  
14 clothing, shelter, sanitation, hygiene, or  
15 appropriate education that a reasonable and  
16 prudent parent would provide in meeting the  
17 child's needs,
- 18 (2) medical, dental, or behavioral health care,
- 19 (3) supervision or appropriate caretakers to protect  
20 the child from harm or threatened harm of which a  
21 reasonable and prudent parent would be aware, or
- 22 (4) special care made necessary for the child's  
23 health and safety by the physical or mental  
24 condition of the child,

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

3 (1) the use, possession, sale, or manufacture of  
4 illegal drugs,

5 (2) illegal activities, or

6 (3) sexual acts or materials that are not age-  
7 appropriate, ~~or~~

8 c. abandonment, or

9 d. "Neglect" shall not mean a child who engages in

10 independent activities, except if the child's parent,

11 legal guardian or custodian willfully disregards the

12 child's obvious needs or obvious dangers to the child

13 given the child's level of maturity, physical

14 condition or mental abilities. Such independent

15 activities include but are not limited to:

16 (1) traveling to and from school including by

17 walking, running or bicycling,

18 (2) traveling to and from nearby commercial or

19 recreational facilities,

20 (3) engaging in outdoor play,

21 (4) remaining at home unattended for a reasonable

22 amount of time,

23 (5) remaining in a vehicle if the temperature inside

24 the vehicle is not or will not become dangerously

1                   hot or cold, except under the conditions  
2                   described in Section 11-1119 of Title 47 of the  
3                   Oklahoma Statutes, or  
4                   (6) engaging in similar activities alone or with  
5                   other children.

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

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

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

23           52. "Permanent guardianship" means a judicially created  
24 relationship between a child, a kinship relation of the child, or

1 other adult established pursuant to the provisions of Section 1-4-  
2 709 of this title;

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

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

17 55. "Proper parental care and guardianship" means that level of  
18 care, supervision, protection, nourishment, cleanliness, medical  
19 attention, education, mental stimulation and all other parenting  
20 tasks which a reasonable and prudent parent would perform in order  
21 to ensure the growth, development, learning, and physical, mental  
22 and emotional well-being of the child;

23

24

1       ~~55.~~ 56. "Protective custody" means custody of a child taken by  
2 a law enforcement officer or designated employee of the court  
3 without a court order;

4       ~~56.~~ 57. "Putative father" means an alleged father as that term  
5 is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

6       ~~57.~~ 58. "Qualified residential treatment program" means a  
7 program that:

- 8           a. has a trauma-informed treatment model that is designed  
9           to address the needs including clinical needs as  
10           appropriate, of children with serious emotional or  
11           behavioral disorders or disturbances and, with respect  
12           to a child, is able to implement the treatment  
13           identified for the child from a required assessment,
- 14           b. has registered or licensed nursing staff and other  
15           licensed clinical staff who:
- 16               (1) provide care within the scope of their practice  
17               as defined by the laws of this state,  
18               (2) are on-site according to the treatment model  
19               referred to in subparagraph a of this paragraph,  
20               and  
21               (3) are available twenty-four (24) hours a day and  
22               seven (7) days a week,

- 1 c. to the extent appropriate, and in accordance with the  
2 child's best interest, facilitates participation of  
3 family members in the child's treatment program,
- 4 d. facilitates outreach to the family members of the  
5 child including siblings, documents how the outreach  
6 is made including contact information, and maintains  
7 contact information for any known biological family of  
8 the child,
- 9 e. documents how family members are integrated into the  
10 treatment process for the child including post-  
11 discharge, and how sibling connections are maintained,
- 12 f. provides discharge planning and family-based aftercare  
13 support for at least ~~6~~ six (6) months post-discharge,  
14 and
- 15 g. is licensed and accredited by any of the following  
16 independent, not-for-profit organizations:
- 17 (1) The Commission on Accreditation of Rehabilitation  
18 Facilities (CARF),
- 19 (2) The Joint Commission on Accreditation of  
20 Healthcare Organizations (JCAHO),
- 21 (3) The Council on Accreditation (COA), or
- 22 (4) any other federally approved independent, not-  
23 for-profit accrediting organization;
- 24

1       ~~58.~~ 59. "Reasonable and prudent parent standard" means the  
2 standard characterized by careful and sensible parental decisions  
3 that maintain the health, safety, and best interests of a child  
4 while at the same time encouraging the emotional and developmental  
5 growth of the child. This standard shall be used by the child's  
6 caregiver when determining whether to allow a child to participate  
7 in extracurricular, enrichment, cultural, and social activities.  
8 For purposes of this definition, the term "caregiver" means a foster  
9 parent with whom a child in foster care has been placed, a  
10 representative of a group home where a child has been placed or a  
11 designated official for a residential child care facility where a  
12 child in foster care has been placed;

13       ~~59.~~ 60. "Relative" means a grandparent, great-grandparent,  
14 brother or sister of whole or half blood, aunt, uncle or any other  
15 person related to the child;

16       ~~60.~~ 61. "Residential child care facility" means a twenty-four-  
17 hour residential facility where children live together with or are  
18 supervised by adults who are not their parents or relatives;

19       ~~61.~~ 62. "Review hearing" means a hearing by the court pursuant  
20 to Section 1-4-807 of this title;

21       ~~62.~~ 63. "Risk" means the likelihood that an incident of child  
22 abuse or neglect will occur in the future;

23       ~~63.~~ 64. "Safety threat" means the threat of serious harm due to  
24 child abuse or neglect occurring in the present or in the very near



1 future and without the intervention of another person, a child would  
2 likely or in all probability sustain severe or permanent disability  
3 or injury, illness, or death;

4 ~~64.~~ 65. "Safety analysis" means action taken by the Department  
5 in response to a report of alleged child abuse or neglect that may  
6 include an assessment or investigation based upon an analysis of the  
7 information received according to priority guidelines and other  
8 criteria adopted by the Department;

9 ~~65.~~ 66. "Safety evaluation" means evaluation of a child's  
10 situation by the Department using a structured, evidence-based tool  
11 to determine if the child is subject to a safety threat;

12 ~~66.~~ 67. "Secure facility" means a facility which is designed  
13 and operated to ensure that all entrances and exits from the  
14 facility are subject to the exclusive control of the staff of the  
15 facility, whether or not the juvenile being detained has freedom of  
16 movement within the perimeter of the facility, or a facility which  
17 relies on locked rooms and buildings, fences, or physical restraint  
18 in order to control behavior of its residents;

19 ~~67.~~ 68. "Sibling" means a biologically or legally related  
20 brother or sister of a child. This includes an individual who  
21 satisfies at least one of the following conditions with respect to a  
22 child:

23 a. the individual is considered by state law to be a  
24 sibling of the child, or

1           b.    the individual would have been considered a sibling  
2                    under state law but for a termination or other  
3                    disruption of parental rights, such as the death of a  
4                    parent;

5       ~~68.~~ 69.   "Specialized foster care" means foster care provided to  
6 a child in a foster home or agency-contracted home which:

7           a.    has been certified by the Developmental Disabilities  
8                    Services Division of the Department of Human Services,

9           b.    is monitored by the Division, and

10          c.    is funded through the Home- and Community-Based Waiver  
11                    Services Program administered by the Division;

12       ~~69.~~ 70.   "Successful adulthood program" means a program  
13 specifically designed to assist a child to enhance those skills and  
14 abilities necessary for successful adult living. A successful  
15 adulthood program may include, but shall not be limited to, such  
16 features as minimal direct staff supervision, and the provision of  
17 supportive services to assist children with activities necessary for  
18 finding an appropriate place of residence, completing an education  
19 or vocational training, obtaining employment, or obtaining other  
20 similar services;

21       ~~70.~~ 71.   "Temporary custody" means court-ordered custody of an  
22 adjudicated deprived child;

23       ~~71.~~ 72.   "Therapeutic foster family home" means a foster family  
24 home which provides specific treatment services, pursuant to a

1 therapeutic foster care contract, which are designed to remedy  
2 social and behavioral problems of a foster child residing in the  
3 home;

4 ~~72.~~ 73. "Trafficking in persons" means sex trafficking or  
5 severe forms of trafficking in persons as described in Section 7102  
6 of Title 22 of the United States Code:

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

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

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

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

22 ~~73.~~ 74. "Transitional living program" means a residential  
23 program that may be attached to an existing facility or operated  
24 solely for the purpose of assisting children to develop the skills

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

6 ~~74.~~ 75. "Voluntary foster care placement" means the temporary  
7 placement of a child by the parent, legal guardian or custodian of  
8 the child in foster care pursuant to a signed placement agreement  
9 between the Department or a child-placing agency and the child's  
10 parent, legal guardian or custodian.

11 SECTION 2. This act shall become effective November 1, 2021.

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