

An Act

ENROLLED HOUSE
BILL NO. 1965

By: Williams of the House

and

Bullard and Pederson of the
Senate

An Act relating to children; amending 10A O.S. 2021, Sections 1-1-105, 1-4-502, as amended by Section 1, Chapter 363, O.S.L. 2023, 1-4-704, as amended by Section 1, Chapter 31, O.S.L. 2023, 1-4-902, and 1-4-904 (10A O.S. Supp. 2024, Sections 1-4-502 and 1-4-704), which relate to the Oklahoma Children's Code; modifying definitions; defining term; providing procedure if certain jury trial is waived; requiring consideration of circumstances when preparing an individualized service plan; requiring reunification services as part of certain service plans; providing for filing petition or motion for termination of parental rights by the district attorney in certain circumstances; providing circumstance in which a court may terminate the rights of a parent to a child; providing exceptions; amending 10A O.S. 2021, Section 2-2-104.1, which relates to diversion services; requiring provision of diversion services prior to filing certain petition or upon assumption of certain custody; clarifying appropriate diversion service programs; requiring evaluation and publication of certain recidivism rates by the Office of Juvenile Affairs; requiring published data to be unidentifiable to specific individuals; amending 30 O.S. 2021, Section 2-101, which relates to appointment of guardian of a minor; requiring certain preferences in appointment of guardian of a minor; updating statutory language; updating statutory references; and providing an effective date.

SUBJECT: Children

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

SECTION 1. AMENDATORY 10A O.S. 2021, 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. "Abandonment" means:

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

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

- a. "Harm or threatened harm to the health ~~or~~, safety, or welfare of a child" means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including, but not limited to, sexual abuse, sexual exploitation, neglect, or dependency.
- b. "Sexual abuse" includes but is not limited to rape, incest, and lewd or indecent acts or proposals made to a child, as defined by law, by a person responsible for the health, safety, or welfare of the child.
- c. "Sexual exploitation" includes but is not limited to allowing, permitting, encouraging, or forcing a child

to engage in prostitution, as defined by law, by any person eighteen (18) years of age or older or by a person responsible for the health, safety, or welfare of a child, or allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic, as defined by law, photographing, filming, or depicting of a child in those acts by a person responsible for the health, safety, and welfare of the child;

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

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

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

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

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

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

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

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

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

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

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

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

12. "Children's emergency resource center" means a community-based program that may provide emergency care and a safe and structured homelike environment or a host home for children providing food, clothing, shelter and hygiene products to each child served; after-school tutoring; counseling services; life-skills training; transition services; assessments; family reunification; respite care; transportation to or from school, doctors' appointments, visitations and other social, school, court or other activities when necessary; and a stable environment for children in crisis who are in custody of the Department of Human Services if permitted under the Department's policies and regulations, or who have been voluntarily placed by a parent or custodian during a temporary crisis;

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

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

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

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

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

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

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

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

21. "Deprived child" means a child:

- a. who is for any reason destitute, homeless, or abandoned,
- b. who does not have the proper parental care or guardianship,
- c. who has been abused~~7~~ or neglected~~7~~ or is dependent,
- d. whose home is an unfit place for the child by reason of depravity on the part of the parent or legal guardian of the child, or other person responsible for the health or welfare of the child,
- e. who is a child in need of special care and treatment because of the child's physical or mental condition, and the child's parents, legal guardian, or other custodian is unable or willfully fails to provide such special care and treatment. As used in this paragraph, a child in need of special care and treatment includes, but is not limited to, a child who at birth tests positive for alcohol or a controlled dangerous substance and who, pursuant to a drug or alcohol screen of the child and an assessment of the parent, is determined to be at risk of harm or threatened harm to the health ~~or~~ safety, or welfare of a child,
- f. who is a child with a disability deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of the child if such nutrition or medical treatment is generally provided to similarly situated children without a disability or children with disabilities; provided that no medical treatment shall be necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child,

- g. who, due to improper parental care and guardianship, is absent from school as specified in Section 10-106 of Title 70 of the Oklahoma Statutes, if the child is subject to compulsory school attendance,
- h. whose parent, legal guardian or custodian for good cause desires to be relieved of custody,
- i. who has been born to a parent whose parental rights to another child have been involuntarily terminated by the court and the conditions which led to the making of the finding, which resulted in the termination of the parental rights of the parent to the other child, have not been corrected, or
- j. whose parent, legal guardian, or custodian has subjected another child to abuse or neglect or has allowed another child to be subjected to abuse or neglect and is currently a respondent in a deprived proceeding.

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

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

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

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

23. "Drug-endangered child" means a child who is at risk of suffering physical, psychological or sexual harm as a result of the

use, possession, distribution, manufacture or cultivation of controlled substances, or the attempt of any of these acts, by a person responsible for the health, safety or welfare of the child, as defined in this section. This term includes circumstances wherein the substance abuse of the person responsible for the health, safety or welfare of the child interferes with that person's ability to parent and provide a safe and nurturing environment for the child;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) "unsubstantiated" means the Department has determined, after an investigation of a report of child abuse or neglect, that insufficient evidence exists to fully determine whether child abuse or neglect has occurred. If child abuse or neglect is unsubstantiated, the Department may recommend, when determined to be necessary, that

the parents or persons responsible for the care of the child obtain child abuse and neglect prevention- and intervention-related services, or

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

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

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

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

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

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

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

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

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

49. a. "Neglect" means:

- (1) the failure or omission to provide any of the following:
 - (a) adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education,
 - (b) medical, dental, or behavioral health care,
 - (c) supervision or appropriate caretakers to protect the child from harm or threatened harm of which any reasonable and prudent person responsible for the child's health, safety or welfare would be aware, or
 - (d) special care made necessary for the child's health and safety by the physical or mental condition of the child,
- (2) the failure or omission to protect a child from exposure to any of the following:
 - (a) the use, possession, sale, or manufacture of illegal drugs,
 - (b) illegal activities, or
 - (c) sexual acts or materials that are not age-appropriate, or
- (3) abandonment.

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

- (1) traveling to and from school including by walking, running or bicycling,
- (2) traveling to and from nearby commercial or recreational facilities,
- (3) engaging in outdoor play,
- (4) remaining at home unattended for a reasonable amount of time,
- (5) remaining in a vehicle if the temperature inside the vehicle is not or will not become dangerously hot or cold, except under the conditions described in Section 11-1119 of Title 47 of the Oklahoma Statutes, or
- (6) engaging in similar activities alone or with other children.

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

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

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

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

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

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

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

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

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

- a. has a trauma-informed treatment model that is designed to address the needs including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child from a required assessment,
- b. has registered or licensed nursing staff and other licensed clinical staff who:
 - (1) provide care within the scope of their practice as defined by the laws of this state,
 - (2) are on-site according to the treatment model referred to in subparagraph a of this paragraph, and

- (3) are available twenty-four (24) hours a day and seven (7) days a week,
- c. to the extent appropriate, and in accordance with the child's best interest, facilitates participation of family members in the child's treatment program,
- d. facilitates outreach to the family members of the child including siblings, documents how the outreach is made including contact information, and maintains contact information for any known biological family of the child,
- e. documents how family members are integrated into the treatment process for the child including post-discharge, and how sibling connections are maintained,
- f. provides discharge planning and family-based aftercare support for at least six (6) months post-discharge, and
- g. is licensed and accredited by any of the following independent, not-for-profit organizations:
 - (1) ~~The~~ the Commission on Accreditation of Rehabilitation Facilities (CARF),
 - (2) ~~The~~ the Joint Commission ~~on Accreditation of~~ Healthcare Organizations (JCAHO),
 - (3) ~~The~~ the Council on Accreditation (COA), or
 - (4) any other federally approved independent, not-for-profit accrediting organization;

58. "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard shall be used by the child's caregiver when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities. For purposes of this definition, the term "caregiver" means a foster parent with whom a child in foster care has been placed, a representative of a group home where a child has been placed or a

designated official for a residential child care facility where a child in foster care has been placed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

72. "Time-limited reunification services" means reunification services provided only during the period of fifteen (15) months that begins on the date the child is considered to have entered foster care;

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

- a. "sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person for the purpose of a commercial sex act, and
- b. "severe forms of trafficking in persons" means:
 - (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained eighteen (18) years of age, or
 - (2) the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery;

~~73.~~ 74. "Transitional living program" means a residential program that may be attached to an existing facility or operated solely for the purpose of assisting children to develop the skills and abilities necessary for successful adult living. The program may include, but shall not be limited to, reduced staff supervision, vocational training, educational services, employment and employment training, and other appropriate independent living skills training as a part of the transitional living program; and

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

SECTION 2. AMENDATORY 10A O.S. 2021, Section 1-4-502, as amended by Section 1, Chapter 363, O.S.L. 2023 (10A O.S. Supp. 2024, Section 1-4-502), is amended to read as follows:

Section 1-4-502. A. A parent entitled to service of summons, the state or a child shall have the right to demand a trial by jury

on the sole issue of termination of parental rights only in the following circumstances:

1. When the initial petition to determine if a child is deprived also contains a request for termination of parental rights in which case the court shall determine if the child should be adjudicated deprived and, if so, the jury shall determine if parental rights should be terminated; or

2. When, following a hearing in which the child is adjudicated deprived, a request for termination of parental rights is filed by the state or the child.

B. The demand for a jury trial shall be granted unless waived, or the court on its own motion may call a jury to try any termination of parental rights case.

C. 1. If the jury trial to determine whether parental rights should be terminated is waived, the court shall issue a scheduling order within thirty (30) days. A bench trial shall commence within ninety (90) days of the issuance of the scheduling order unless the court issues a written order with findings of fact supporting a determination that there exists an exceptional circumstance to support the delay or that the parties and the guardian ad litem, if any, agree to such continuance.

2. Upon a demand for a trial by jury, the court shall issue a scheduling order within thirty (30) days. A jury trial shall commence within six (6) months of the issuance of the scheduling order unless the court issues a written order with findings of fact supporting a determination that there exists an exceptional circumstance to support the delay or that the parties and the guardian ad litem, if any, agree to such continuance. The jury shall consist of six (6) persons. A party who requests a jury trial and fails to appear in person for such trial, after proper notice and without good cause, may be deemed by the court to have waived the right to such jury trial, and the termination of parental rights shall be by nonjury trial unless another party demands a jury trial or the court determines on its own motion to try the case to a jury.

SECTION 3. AMENDATORY 10A O.S. 2021, Section 1-4-704, as amended by Section 1, Chapter 31, O.S.L. 2023 (10A O.S. Supp. 2024, Section 1-4-704), is amended to read as follows:

Section 1-4-704. A. The Department of Human Services or a licensed child-placing agency shall prepare and maintain a written individualized service plan for any child that has been adjudicated to be a deprived child.

B. The plan shall be furnished to the court within thirty (30) days after the adjudication of the child and shall be made available to counsel for the parties and any applicable tribe by the Department or the licensed child-placing agency having custody of the child or responsibility for the supervision of the case.

C. 1. The individualized service plan shall be based upon a comprehensive assessment and evaluation of the child and family and shall be developed with the participation of the parent, legal guardian, or legal custodian of the child, the attorney for the child, the guardian ad litem for the child, if any, the child's tribe, and the child, if appropriate. The health and safety of the child shall be the paramount concern in the development of the plan.

2. If any part of the plan is disputed or not approved by the court, an evidentiary hearing may be held and at its conclusion, the court shall determine the content of the individualized service plan in accord with the evidence presented and the best interests of the child.

3. When approved by the court, each individualized service plan shall be incorporated and made a part of the dispositional order of the court.

4. The plan shall be signed by:

- a. the parent or parents or legal guardian of the child,
- b. the attorney for the parent or parents or legal guardian of the child,
- c. the child's attorney,
- d. the guardian ad litem of the child, which may be a court-appointed special advocate,
- e. a representative of the child's tribe,
- f. the child, if possible, and

g. the Department or other responsible agency.

D. 1. Every service plan prepared shall be individualized and specific to each child and the family of the child and shall require consideration of each child's and family's circumstances, including, but not limited to, the parents' work schedule, mode of transportation, and distance from their place of living and place of work to service providers.

2. The individualized service plan shall be written in simple and clear English. If English is not the principal language of the parent, legal guardian, or custodian of the child, and such person is unable to read or comprehend the English language, to the extent possible the plan shall be written in the principal language of the person.

3. The individualized service plan may be modified based on changing circumstances consistent with the correction of the conditions that led to the adjudication of the child or other conditions inconsistent with the health, safety, or welfare of the child.

4. The individualized service plan shall be measurable, realistic and consistent with the requirements of other court orders.

E. The individualized service plan shall include, but not be limited to:

1. A history of the child and family, including identification of the problems or conditions leading to the deprived child adjudication and the changes the parent or parents must make in order for the child to safely remain in or return to the home;

2. Identification of time-limited reunification services to be provided to the parent, legal guardian, or legal custodian, stepparent, other adult person living in the home, or other family members. Provided, however, that such reunification services shall be part of any individualized service plan for the period of fifteen (15) months that begins on the date the child entered foster care. If a parent has not corrected the circumstances which led the child to be adjudicated to be a deprived child after such period of fifteen (15) months and if the court makes a finding pursuant to paragraph 16 of subsection B of Section 1-4-904 of this title, then a petition or motion for termination of parental rights shall be

filed by the district attorney pursuant to Section 1-4-902 of this title;

3. Identification of the specific services to be provided to the child including, but not limited to, educational, vocational educational, medical, drug or alcohol abuse treatment, or counseling or other treatment services. The most recent available health and educational records of the child shall be provided to the court upon the court's request including:

- a. the names and addresses of the child's health and educational providers,
- b. the child's grade-level performance,
- c. the child's school record,
- d. a record of the child's immunizations,
- e. the child's known medical problems, including any known communicable diseases,
- f. the child's medications, and
- g. any other relevant health and education information;

4. A schedule of the frequency of services and the means by which delivery of the services will be assured or, as necessary, the proposed means by which support services or other assistance will be provided to enable the parent or the child to obtain the services;

5. The name of the social worker assigned to the case;

6. A projected date for the completion of the individualized service plan;

7. Performance criteria that will measure the progress of the child and family toward completion of the individualized service plan including, but not limited to, time frames for achieving objectives and addressing the identified problems;

8. The name and business address of the attorney representing the child;

9. If the child is placed outside the home, the individualized service plan shall further provide:

- a. the sequence and time frame for services to be provided to the parent, the child, and if the child is placed in foster care, the foster parent, to facilitate the child's return home or to another permanent placement,
- b. a description of the child's placement and explanation about whether it is the least-restrictive placement available and in as close proximity as possible to the home of the parent or parents or legal guardian of the child when the case plan is reunification, and how the placement is consistent with the best interests and special needs of the child,
- c. a description of any services or resources that were requested by the child or the parent or legal guardian of the child since the date of the child's placement, and whether those services or resources were provided and if not, the basis for the denial of the services or resources,
- d. efforts to be made by the parent of the child and the Department to enable the child to return to his or her home,
- e. a description of the transition planning for a successful adulthood for a child ~~age~~ fourteen (14) years of age or older that includes how the following objectives will be met:
 - (1) education, vocational, or employment planning,
 - (2) health care planning and medical coverage,
 - (3) transportation including, where appropriate, assisting the child in obtaining a driver license,
 - (4) money management,
 - (5) planning for housing,

- (6) social and recreational skills, and
 - (7) establishing and maintaining connections with the child's family and community,
- f. for a child in placement due solely or in part to the child's behavioral health or medical health issues, diagnostic and assessment information, specific services relating to meeting the applicable behavioral health and medical care needs of the child, and desired treatment outcomes,
 - g. a plan and schedule for regular and frequent visitation for the child and the child's parent or parents or legal guardian and siblings, unless the court has determined that visitation, even if supervised, would be harmful to the child, and
 - h. a plan for ensuring the educational stability of the child while in out-of-home placement, including:
 - (1) assurances that the placement of the child considers the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement, and
 - (2) where appropriate, an assurance that the Department has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child was enrolled at the time of placement, or
 - (3) if remaining in the school in which the child was enrolled at the time of placement is not in the best interests of the child, assurances by the Department and the local educational agencies to provide immediate and appropriate enrollment in a new school with all of the educational records of the child provided to the school; and

10. The permanency plan for the child, the reason for selection of that plan and a description of the steps being taken by the Department to finalize the plan.

- a. When the permanency plan is adoption or legal guardianship, the Department shall describe, at a minimum, child-specific recruitment efforts such as relative searches conducted and the use of state, regional, and national adoption exchanges to facilitate the orderly and timely placement of the child, whether in or outside of the state.
- b. When the child is ~~age~~ fourteen (14) years of age or older, the permanency plan and any revision or addition to the plan, shall include planning for the transition of the child to a successful adulthood.

F. Each individualized service plan shall specifically provide for the safety of the child, in accordance with state and federal law, and clearly define what actions or precautions will, or may, be necessary to provide for the safety and protection of the child.

G. The individualized service plan shall include the following statement:

TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

H. Whenever a child who is subject to the provisions of this section is committed for inpatient behavioral health or substance abuse treatment pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, the individualized service plan shall be amended as necessary and appropriate, including, but not limited to, identification of the treatment and services to be provided to the child and the child's family upon discharge of the child from inpatient behavioral health or substance abuse treatment.

I. Prior to adjudication, a parent or legal guardian may voluntarily participate in services related to the behaviors and conditions that led to the filing of a deprived petition. Participation in such services shall not be construed as an admission that the child is deprived and shall not be used as evidence for the purpose of adjudication or disposition.

SECTION 4. AMENDATORY 10A O.S. 2021, Section 1-4-902, is amended to read as follows:

Section 1-4-902. A. The district attorney shall file a petition or motion for termination of the parent-child relationship and parental rights with respect to a child or shall join in the petition or motion, if filed by the child's attorney, in any of the following circumstances:

1. Prior to the end of the fifteenth month when a child has been placed in foster care by the Department of Human Services for fifteen (15) of the most recent twenty-two (22) months. For purposes of this paragraph, a child shall be considered to have entered foster care on the earlier of:

- a. the date of adjudication as a deprived child, or
- b. the date that is sixty (60) days after the date on which the child is removed from the home;

2. No later than sixty (60) days after a child has been judicially determined to be an abandoned infant;

3. No later than sixty (60) days after a court has determined that reasonable efforts to reunite are not required due to a felony conviction of a parent of any of the following acts:

- a. permitting a child to participate in ~~pornography~~ child sexual abuse material,
- b. rape, or rape by instrumentation,
- c. lewd molestation of a child under sixteen (16) years of age,
- d. child abuse or neglect,
- e. enabling child abuse or neglect,
- f. causing the death of a child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child,

- g. causing the death of a sibling of the child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child's sibling,
- h. murder of any child or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of any child,
- i. voluntary manslaughter of any child,
- j. a felony assault that has resulted in serious bodily injury to the child or another child of the parent, or
- k. murder or voluntary manslaughter of the child's parent or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of the child's parent; ~~or~~

4. No later than ninety (90) days after the court has ordered the individualized service plan if the parent has made no measurable progress in correcting the conditions which caused the child to be adjudicated deprived; or

5. After a period of fifteen (15) months if a parent has not corrected the circumstances which led the child to be adjudicated to be a deprived child and if the court makes a finding pursuant to paragraph 16 of subsection B of Section 1-4-904 of this title.

B. If any of the following conditions exist, the district attorney is not required to file a petition as provided in subsection A of this section for a deprived child:

1. At the option of the Department or by order of the court, the child is properly being cared for by a relative;

2. The Department has documented a compelling reason for determining that filing a petition to terminate parental rights would not serve the best interests of the child that may include consideration of any of the following circumstances:

- a. the parents or legal guardians have maintained a relationship with the child and the child would benefit from continuing this relationship,

- b. the child, who is twelve (12) years of age or older, objects to the termination of the parent-child legal relationship,
- c. the foster parents of the child are unable to adopt the child because of exceptional circumstances which do not include an unwillingness to accept legal responsibility for the child but are willing and capable of providing the child with a stable and permanent environment, and the removal of the child from the physical custody of the foster parents would be seriously detrimental to the emotional well-being of the child because the child has substantial psychological ties to the foster parents,
- d. the child is not capable of achieving stability if placed in a family setting, or
- e. the child is an unaccompanied, refugee minor and the situation regarding the child involves international legal issues or compelling foreign policy issues; or

3. The state has not provided to the family of the child, consistent with the time period in the state case plan, services that the state deems necessary for the safe return of the child to the child's home, if reasonable efforts are required to be made with respect to the child.

SECTION 5. AMENDATORY 10A O.S. 2021, Section 1-4-904, is amended to read as follows:

Section 1-4-904. A. A court shall not terminate the rights of a parent to a child unless:

1. The child has been adjudicated to be deprived either prior to or concurrently with a proceeding to terminate parental rights; and

2. Termination of parental rights is in the best interests of the child.

B. The court may terminate the rights of a parent to a child based upon the following legal grounds:

1. Upon the duly acknowledged written consent of a parent, who voluntarily agrees to termination of parental rights.

- a. The voluntary consent for termination of parental rights shall be signed under oath and recorded before a judge of a court of competent jurisdiction and accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail in English and were fully understood by the parent or that the consent was translated into a language that the parent understood.
- b. A voluntary consent for termination of parental rights is effective when it is signed and may not be revoked except upon clear and convincing evidence that the consent was executed by reason of fraud or duress.
- c. However, notwithstanding the provisions in this paragraph, in any proceeding for a voluntary termination of parental rights to an Indian child, the consent of the parent may be withdrawn for any reason at any time prior to the entry of a final decree of termination. Any consent given prior to, or within ten (10) days after, the birth of an Indian child shall not be valid;

2. A finding that a parent who is entitled to custody of the child has abandoned the child;

3. A finding that the child is an abandoned infant;

4. A finding that the parent of a child:

- a. has voluntarily placed physical custody of the child with the Department of Human Services or with a child-placing agency for out-of-home placement,
- b. has not complied with the placement agreement, and
- c. has not demonstrated during such period a firm intention to resume physical custody of the child or to make permanent legal arrangements for the care of the child;

5. A finding that:

- a. the parent has failed to correct the condition which led to the deprived adjudication of the child, and
- b. the parent has been given at least three (3) months to correct the condition;

6. A finding that:

- a. the rights of the parent to another child have been terminated, and
- b. the conditions that led to the prior termination of parental rights have not been corrected;

7. A finding that a parent who does not have custody of the child has, for at least six (6) out of the twelve (12) months immediately preceding the filing of the petition or motion for termination of parental rights, willfully failed or refused or has neglected to contribute to the support of the child:

- a. as specified by an order entered by a court of competent jurisdiction adjudicating the duty, amount and manner of support, or
- b. where an order of child support does not exist, according to the financial ability of the parent to contribute to the child's support.

Incidental or token support shall not be construed or considered in establishing whether a parent has maintained or contributed to the support of the child;

8. A finding that the parent has been convicted in a court of competent jurisdiction in any state of any of the following acts:

- a. permitting a child to participate in ~~pornography~~ child sexual abuse material,
- b. rape, or rape by instrumentation,
- c. lewd molestation of a child under sixteen (16) years of age,
- d. child abuse or neglect,

- e. enabling child abuse or neglect,
- f. causing the death of a child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child,
- g. causing the death of a sibling of the child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child's sibling,
- h. murder of any child or aiding or abetting, attempting, conspiring, or soliciting to commit murder of any child,
- i. voluntary manslaughter of any child,
- j. a felony assault that has resulted in serious bodily injury to the child or another child of the parents, or
- k. murder or voluntary manslaughter of the child's parent or aiding or abetting, attempting, conspiring, or soliciting to commit murder of the child's parent;

9. A finding that the parent has abused or neglected any child or failed to protect any child from abuse or neglect that is heinous or shocking;

10. A finding that the parent has previously abused or neglected the child or a sibling of the child or failed to protect the child or a sibling of the child from abuse or neglect and the child or a sibling of the child has been subjected to subsequent abuse;

11. A finding that the child was conceived as a result of rape perpetrated by the parent whose rights are sought to be terminated;

12. A finding that the parent whose rights are sought to be terminated is incarcerated, and the continuation of parental rights would result in harm to the child based on consideration of the following factors, among others:

- a. the duration of incarceration and its detrimental effect on the parent/child relationship,

- b. any previous convictions resulting in involuntary confinement in a secure facility,
- c. the parent's history of criminal behavior, including crimes against children,
- d. the age of the child,
- e. any evidence of abuse or neglect or failure to protect from abuse or neglect of the child or siblings of the child by the parent,
- f. the current relationship between the parent and the child, and
- g. the manner in which the parent has exercised parental rights and duties in the past.

Provided, that the incarceration of a parent shall not in and of itself be sufficient to deprive a parent of parental rights;

13. A finding that all of the following exist:

- a. the parent has a diagnosed cognitive disorder, an extreme physical incapacity, or a medical condition, including behavioral health, which renders the parent incapable of adequately and appropriately exercising parental rights, duties, and responsibilities within a reasonable time considering the age of the child, and
- b. allowing the parent to have custody would cause the child actual harm or harm in the near future.

A parent's refusal or pattern of noncompliance with treatment, therapy, medication, or assistance from outside the home can be used as evidence that the parent is incapable of adequately and appropriately exercising parental rights, duties, and responsibilities.

A finding that a parent has a diagnosed cognitive disorder, an extreme physical incapacity, or a medical condition, including behavioral health or substance dependency, shall not in and of itself deprive the parent of parental rights;

14. A finding that:

- a. the condition that led to the deprived adjudication has been the subject of a previous deprived adjudication of this child or a sibling of this child, and
- b. the parent has been given an opportunity to correct the conditions which led to the determination of the initial deprived child;

15. A finding that there exists a substantial erosion of the relationship between the parent and child caused at least in part by the parent's serious or aggravated neglect of the child, physical or sexual abuse or exploitation of the child, a prolonged and unreasonable absence of the parent from the child or an unreasonable failure by the parent to visit or communicate in a meaningful way with the child;

~~16. A finding that a child four (4) years of age or older at the time of placement has been placed in foster care by the Department of Human Services for fifteen (15) of the most recent twenty-two (22) months preceding the filing of the petition or motion for termination of parental rights and the child cannot, at the time of the filing of the petition or motion, be safely returned to the home of the parent. For purposes of this paragraph, a child shall be considered to have entered foster care on the earlier of:~~

- ~~a. the adjudication date, or~~
- ~~b. the date that is sixty (60) days after the date on which the child is removed from the home~~

has been in foster care for not less than fifteen (15) months of the most recent twenty-two (22) months and that the parent has not corrected the circumstances which led the child to be adjudicated to be a deprived child, unless:

- a. a parent has made substantial progress toward eliminating the problem that caused the child's placement in foster care, it is likely that the child will be able to safely return to the parent's home within ninety (90) days, and the child's return to the parent's home will be in the child's best interests,

- b. the child has a close and positive relationship with a parent and a permanent plan that does not include termination of parental rights will provide the most secure and appropriate placement for the child,
- c. the child is twelve (12) years of age or older, is firmly opposed to termination of parental rights, and is likely to disrupt an attempt to place the child with an adoptive family,
- d. a parent is terminally ill but in remission, does not want parental rights to be terminated, and has designated a guardian for the child,
- e. the child is not capable of functioning if placed in a family setting. In such a case, the court shall reevaluate the status of the child every ninety (90) days unless there is a court determination that the child cannot be placed in a family setting,
- f. the child is an unaccompanied, refugee minor and the case involves international legal issues or compelling foreign policy issues,
- g. adoption is not an appropriate plan for the child,
- h. the parent's incarceration constitutes the primary factor in the child's placement in substitute care and termination of parental rights is not in the child's best interest, or
- i. the parent's participation in a court-ordered residential substance abuse treatment program constitutes the primary factor in the child's placement in substitute care and termination of parental rights is not in the child's best interest.

For purposes of this paragraph, a child shall be considered to have entered foster care on the earlier of the adjudication date, or the date that is sixty (60) days after the date on which the child is removed from the home.

The court may also consider circumstances of the failure of the parent to develop and maintain a parental bond with the child in a meaningful, supportive manner, and whether allowing the parent to

have custody would likely cause the child actual serious psychological harm or harm in the near future as a result of the removal of the child from the substitute caregiver due to the existence of a strong and positive bond between the child and caregiver; and

17. A finding that a child younger than four (4) years of age at the time of placement has been placed in foster care by the Department of Human Services for at least six (6) of the twelve (12) months preceding the filing of the petition or motion for termination of parental rights and the child cannot be safely returned to the home of the parent.

a. For purposes of this paragraph, a child shall be considered to have entered foster care on the earlier of:

- (1) the adjudication date, or
- (2) the date that is sixty (60) days after the date on which the child is removed from the home.

b. For purposes of this paragraph, the court may consider:

- (1) circumstances of the failure of the parent to develop and maintain a parental bond with the child in a meaningful, supportive manner, and
- (2) whether allowing the parent to have custody would likely cause the child actual serious psychological harm or harm in the near future as a result of the removal of the child from the substitute caregiver due to the existence of a strong, positive bond between the child and caregiver.

C. An order directing the termination of parental rights is a final appealable order.

D. The provisions of this section shall not apply to adoption proceedings and actions to terminate parental rights which do not involve a petition for deprived status of the child. Such proceedings and actions shall be governed by the Oklahoma Adoption Code.

SECTION 6. AMENDATORY 10A O.S. 2021, Section 2-2-104.1,
is amended to read as follows:

Section 2-2-104.1. A. Diversion services shall be offered to children who are at risk of being the subject of a child-in-need-of-supervision petition. Diversion services shall be designed to provide an immediate response to families in crisis and to divert children from court proceedings. Diversion services may be provided by outside agencies as designated by the district courts, juvenile bureaus, court employees, or a combination thereof. If a child would be charged with a delinquent act as a result of a first-time offense which would be a misdemeanor if committed by an adult, diversion services shall be provided prior to the district attorney filing a petition alleging the child to be in need of supervision or upon the assumption of custody pursuant to Section 2-2-101 of this title.

B. Diversion services shall clearly document diligent attempts to provide appropriate services to the child and the family of the child unless it is determined that there is no substantial likelihood that the child and family of the child will benefit from further diversion attempts.

C. Where the primary issue is truancy, steps taken by the school district to improve the attendance or conduct of the child in school shall be reviewed and attempts to engage the school district in further diversion attempts shall be made if it appears that such attempts will be beneficial to the child.

D. Efforts to prevent the filing of the petition may extend until it is determined that there is no substantial likelihood that the child and family of the child will benefit from further attempts. Efforts at diversion may continue after the filing of the petition where it is determined that the child and family of the child will benefit therefrom.

E. A child-in-need-of-supervision petition shall not be filed during the period that the designated agency, juvenile bureau, or court employee is providing the diversion services. A finding that the case has been successfully diverted shall constitute presumptive evidence that the underlying allegations have been successfully resolved.

F. The designated agency, juvenile bureau, or court employee shall promptly give written notice to the child and family of the child whenever attempts to prevent the filing of the petition have terminated and shall indicate in the notice whether the efforts were successful or whether a child-in-need-of-supervision petition should be filed with the court. A petition may or may not be filed where diversion services have been terminated because the parent or other person legally responsible for the child failed to consent to the diversion plan or failed to actively participate in the services provided.

G. Diversion services shall include, but not be limited to, Functional Family Therapy, first-time offender programs, community-at-risk services, or other similar programs.

H. The Office of Juvenile Affairs shall evaluate the rate of recidivism for children who are offered diversion services and shall publish the rate publicly in the Office's annual report. Data disclosed in the annual report shall be unidentifiable to an individual.

SECTION 7. AMENDATORY 30 O.S. 2021, Section 2-101, is amended to read as follows:

Section 2-101. A. The court of each county, when it appears necessary or convenient, may appoint guardians for the persons and estates, or either, or both of them, of minors. When appointing guardians, preference shall be given to relatives and persons who have a kinship relationship with the minor.

B. Such appointment may be made on the verified petition of a relative or other person in behalf of such minor.

C. 1. Before making the appointment, the court may receive an investigation and report regarding the background and home of the prospective guardian. The investigation and report of the prospective guardian and placement restrictions and requirements shall be made pursuant to the requirements of the Oklahoma Adoption Code. In determining whether to require a home study pursuant to the provisions of this paragraph, the court shall balance the need for a home study to protect the best interests of the minor with the ability of the prospective guardian to pay for the home study.

2. a. Costs of the home study shall be assessed against any private child-placing agency having custody of the

child, or the person having legal custody of the child or the prospective guardians of the child.

- b. (1) For any child in the custody of the Department of Human Services or the ~~Department of Juvenile Justice~~ Office of Juvenile Affairs, the applicable Department shall conduct or provide for the home study for such child as required by the Oklahoma Children's Code or the Oklahoma Juvenile Code.
- (2) The Department of Human Services or the ~~Department of Juvenile Justice~~ Office of Juvenile Affairs shall not be required by any court to conduct or provide for a home study and report to the court on guardianship placements for any child that is not in the custody of either Department.

3. An order appointing a guardian of the minor who has a parent living or other person legally responsible for the child shall comply with the provisions of Section 2-108 of this title.

4. Except in the case of an emergency guardianship placement, the court shall receive a background check for a prospective guardian and all other household members eighteen (18) years of age and older, consisting of a review of a national fingerprint-based criminal background check or an Oklahoma State Bureau of Investigation name-based criminal history background check, a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act, and a search of the child abuse and neglect information system (CANIS) maintained for review by authorized entities by the Department of Human Services. The Department may charge a fee not to exceed Thirty-five Dollars (\$35.00) for each search performed pursuant to this paragraph. In the case of an emergency placement, the court may waive the requirement for a CANIS search if it cannot be obtained in a reasonable time and the court determines that it is in the minor's best interest that the CANIS search be waived.

D. In addition, before making the appointment, the court must cause notice of the hearing on the petition for appointment of a guardian for a minor to be given in the form required by the court to the minor if the minor has attained the age of fourteen (14) as

of the date the petition is filed. The court shall also cause notice to be sent to the following persons:

1. The then-living parents of the minor and any other person having custody of the minor, if such parent or person is not one of the petitioners;

2. If the minor has no then-living parent, then to one of the then-living grandparents who is not one of the petitioners and who is not married to one of the petitioners; and

3. If there is no such then-living grandparent or if there is no such then-living grandparent whose address is known to the petitioner, then notice shall be given to an adult relative, if any, of the minor residing in the county in which the petition was filed.

E. Such notice shall be mailed to each person entitled to notice pursuant to this section, at that person's address as last-known to the petitioner, at least ten (10) days prior to the date set by the court for hearing on the petition. Provided, the court may direct a shorter notice period if the court deems such shorter notice period to be appropriate under the circumstances. If there is no person other than the minor who is entitled to notice, or if the address of any person, other than the minor, who is entitled to notice is not known to the petitioner, the petition shall so allege. The court may direct that notice, other than notice to the minor if the minor has attained the age of fourteen (14), be waived or be given to any person or persons other than the minor in such manner as the court determines and directs.

SECTION 8. This act shall become effective November 1, 2025.

Passed the House of Representatives the 21st day of May, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 7th day of May, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____