

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

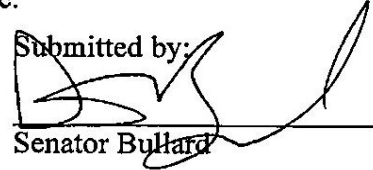
No. 1

☐ COMMITTEE AMENDMENT

(Date)

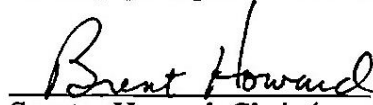
I move to amend House Bill No. 1965 by substituting the attached floor substitute (Request # 2080) for the title, enacting clause, and entire body of the measure.

Submitted by:

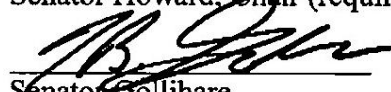


Senator Bullard

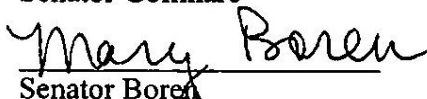
I hereby grant permission for the floor substitute to be adopted.



Senator Howard, Chair (required)



Senator Gollihare



Senator Boren

Senator Brooks

Senator Jech



Senator Jett

Senator Rosino



Senator Standridge

Senator Paxton, President Pro Tempore

Senator Daniels, Majority Floor
Leader

Note: Judiciary Committee majority requires five (5) members' signatures.

Bullard-TEK-FS-HB1965
4/30/2025 10:47 AM

(Floor Amendments Only)

Date and Time Filed: 4-30-25 2:49 PM AB

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

FLOOR SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1965

By: Williams of the House

and

Bullard and Pederson of the
Senate

FLOOR SUBSTITUTE

[children - Oklahoma Children's Code - procedure if
jury trial is waived - consideration of circumstances
- individualized service plan - petition or motion
for termination of parental rights - district
attorney - exceptions - Oklahoma Juvenile Code -
diversion services - Office of Juvenile Affairs -
guardianship of minor - effective date]

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~~

- 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, or
16 welfare of a child" means any real or threatened
17 physical, mental, or emotional injury or damage to the
18 body or mind that is not accidental including, but not
19 limited to, sexual abuse, sexual exploitation,
20 neglect, or dependency.

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

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

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

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. ~~mid-level~~ mid-level nonurban centers in districts with
8 child populations equal to or greater than sixty
9 thousand (60,000), but not including Oklahoma and
10 Tulsa 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 living program,
17 group home, adoptive home, or a successful adulthood program;

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

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

7 13. "Community-based services" or "community-based programs"
8 means services or programs which maintain community participation or
9 supervision in their planning, operation, and evaluation.

10 Community-based services and programs may include, but are not
11 limited to, emergency shelter, crisis intervention, group work, case
12 supervision, job placement, recruitment and training of volunteers,
13 consultation, medical, educational, home-based services, vocational,
14 social, preventive and psychological guidance, training, counseling,
15 early intervention and diversionary substance abuse treatment,
16 sexual abuse treatment, transitional living, independent living, and
17 other related services and programs;

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

23 15. "Court-appointed special advocate" or "CASA" means a
24 responsible adult volunteer who has been trained and is supervised

1 by a court-appointed special advocate program recognized by the
2 court, and when appointed by the court, serves as an officer of the
3 court in the capacity as a guardian ad litem;

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

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

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

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

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

24 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

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 shall prove that the child is deprived
13 as defined pursuant to this title.

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 nonabusing parent or guardian who knows the identity of
19 the abuser or the person neglecting the child, but lies, conceals or
20 fails to report the child abuse or neglect or otherwise take
21 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 homelike
24 environment not located in a building used for commercial activity;

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

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

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

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

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

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

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

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

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

1 has occurred. When child abuse or neglect is
2 substantiated, the Department may recommend:

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

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

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

21 (3) "ruled out" means a report in which a child
22 protective services specialist has determined,
23 after an investigation of a report of child abuse
24

1 or neglect, that no child abuse or neglect has
2 occurred;

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

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

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

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

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

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

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

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

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

9 49. a. "Neglect" means:

10 (1) the failure or omission to provide any of the
11 following:

12 (a) adequate nurturance and affection, food,
13 clothing, shelter, sanitation, hygiene, or
14 appropriate education,

15 (b) medical, dental, or behavioral health care,

16 (c) supervision or appropriate caretakers to
17 protect the child from harm or threatened
18 harm of which any reasonable and prudent
19 person responsible for the child's health,
20 safety or welfare would be aware, or

21 (d) special care made necessary for the child's
22 health and safety by the physical or mental
23 condition of the child,
24

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

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

5 (b) illegal activities, or

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

8 (3) abandonment.

9 b. ~~"Neglect"~~ Neglect shall not mean a child who engages
10 in independent activities, except if the person
11 responsible for the child's health, safety or welfare
12 willfully disregards any harm or threatened harm to
13 the child, given the child's level of maturity,
14 physical condition or mental abilities. Such
15 independent 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. "Protective custody" means custody of a child taken by a
18 law enforcement officer or designated employee of the court without
19 a court order;

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

22 57. "Qualified residential treatment program" means a program
23 that:
24

- 1 a. has a trauma-informed treatment model that is designed
2 to address the needs including clinical needs as
3 appropriate, of children with serious emotional or
4 behavioral disorders or disturbances and, with respect
5 to a child, is able to implement the treatment
6 identified for the child from a required assessment,
- 7 b. has registered or licensed nursing staff and other
8 licensed clinical staff who:
- 9 (1) provide care within the scope of their practice
10 as defined by the laws of this state,
- 11 (2) are on-site according to the treatment model
12 referred to in subparagraph a of this paragraph,
13 and
- 14 (3) are available twenty-four (24) hours a day and
15 seven (7) days a week,
- 16 c. to the extent appropriate, and in accordance with the
17 child's best interest, facilitates participation of
18 family members in the child's treatment program,
- 19 d. facilitates outreach to the family members of the
20 child including siblings, documents how the outreach
21 is made including contact information, and maintains
22 contact information for any known biological family of
23 the child,
- 24

- 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

1 representative of a group home where a child has been placed or a
2 designated official for a residential child care facility where a
3 child in foster care has been placed;

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

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

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

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

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

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

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

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

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

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

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

- 22 a. has been certified by the Developmental Disabilities
23 Services Division of the Department of Human Services,
- 24 b. is monitored by the Division, and

1 c. is funded through the ~~Home~~ Home and Community-Based
2 Waiver Services Program administered by the Division;

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

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

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

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

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

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

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

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

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

19 ~~73.~~ 74. "Transitional living program" means a residential
20 program that may be attached to an existing facility or operated
21 solely for the purpose of assisting children to develop the skills
22 and abilities necessary for successful adult living. The program
23 may include, but shall not be limited to, reduced staff supervision,
24 vocational training, educational services, employment and employment

1 training, and other appropriate independent living skills training
2 as a part of the transitional living program; and

3 ~~74.~~ 75. "Voluntary foster care placement" means the temporary
4 placement of a child by the parent, legal guardian or custodian of
5 the child in foster care pursuant to a signed placement agreement
6 between the Department or a child-placing agency and the child's
7 parent, legal guardian or custodian.

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

11 Section 1-4-502. A. A parent entitled to service of summons,
12 the state or a child shall have the right to demand a trial by jury
13 on the sole issue of termination of parental rights only in the
14 following circumstances:

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

20 2. When, following a hearing in which the child is adjudicated
21 deprived, a request for termination of parental rights is filed by
22 the state or the child.
23
24

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

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

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

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

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

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

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

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

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

4 4. The plan shall be signed by:

- 5 a. the parent or parents or legal guardian of the child,
- 6 b. the attorney for the parent or parents or legal
7 guardian of the child,
- 8 c. the child's attorney,
- 9 d. the guardian ad litem of the child, which may be a
10 court-appointed special advocate,
- 11 e. a representative of the child's tribe,
- 12 f. the child, if possible, and
- 13 g. the Department or other responsible agency.

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

20 2. The individualized service plan shall be written in simple
21 and clear English. If English is not the principal language of the
22 parent, legal guardian, or custodian of the child, and such person
23 is unable to read or comprehend the English language, to the extent
24

1 possible the plan shall be written in the principal language of the
2 person.

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

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

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

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

17 2. Identification of time-limited reunification services to be
18 provided to the parent, legal guardian, or legal custodian,
19 stepparent, other adult person living in the home, or other family
20 members. Provided, however, that such reunification services shall
21 be part of any individualized service plan for the period of fifteen
22 (15) months that begins on the date the child entered foster care.
23 If a parent has not corrected the circumstances which led the child
24 to be adjudicated to be a deprived child after such period of

1 fifteen (15) months and if the court makes a finding pursuant to
2 paragraph 16 of subsection B of Section 1-4-904 of this title, then
3 a petition or motion for termination of parental rights shall be
4 filed by the district attorney pursuant to Section 1-4-902 of this
5 title;

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

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

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

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

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

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

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

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

12 a. the sequence and time frame for services to be
13 provided to the parent, the child, and if the child is
14 placed in foster care, the foster parent, to
15 facilitate the child's return home or to another
16 permanent placement,

17 b. a description of the child's placement and explanation
18 about whether it is the least-restrictive placement
19 available and in as close proximity as possible to the
20 home of the parent or parents or legal guardian of the
21 child when the case plan is reunification, and how the
22 placement is consistent with the best interests and
23 special needs of the child,
24

- 1 c. a description of any services or resources that were
2 requested by the child or the parent or legal guardian
3 of the child since the date of the child's placement,
4 and whether those services or resources were provided
5 and if not, the basis for the denial of the services
6 or resources,
- 7 d. efforts to be made by the parent of the child and the
8 Department to enable the child to return to his or her
9 home,
- 10 e. a description of the transition planning for a
11 successful adulthood for a child ~~age~~ fourteen (14)
12 years of age or older that includes how the following
13 objectives will be met:
- 14 (1) education, vocational, or employment planning,
15 (2) health care planning and medical coverage,
16 (3) transportation including, where appropriate,
17 assisting the child in obtaining a driver
18 license,
19 (4) money management,
20 (5) planning for housing,
21 (6) social and recreational skills, and
22 (7) establishing and maintaining connections with the
23 child's family and community,
24

- 1 f. for a child in placement due solely or in part to the
2 child's behavioral health or medical health issues,
3 diagnostic and assessment information, specific
4 services relating to meeting the applicable behavioral
5 health and medical care needs of the child, and
6 desired treatment outcomes,
- 7 g. a plan and schedule for regular and frequent
8 visitation for the child and the child's parent or
9 parents or legal guardian and siblings, unless the
10 court has determined that visitation, even if
11 supervised, would be harmful to the child, and
- 12 h. a plan for ensuring the educational stability of the
13 child while in out-of-home placement, including:
- 14 (1) assurances that the placement of the child
15 considers the appropriateness of the current
16 educational setting and the proximity to the
17 school in which the child was enrolled at the
18 time of placement, and
- 19 (2) where appropriate, an assurance that the
20 Department has coordinated with appropriate local
21 educational agencies to ensure that the child
22 remains in the school in which the child was
23 enrolled at the time of placement, or
24

1 (3) if remaining in the school in which the child was
2 enrolled at the time of placement is not in the
3 best interests of the child, assurances by the
4 Department and the local educational agencies to
5 provide immediate and appropriate enrollment in a
6 new school with all of the educational records of
7 the child provided to the school; and

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

11 a. When the permanency plan is adoption or legal
12 guardianship, the Department shall describe, at a
13 minimum, child-specific recruitment efforts such as
14 relative searches conducted and the use of state,
15 regional, and national adoption exchanges to
16 facilitate the orderly and timely placement of the
17 child, whether in or outside of the state.

18 b. When the child is ~~age~~ fourteen (14) years of age or
19 older, the permanency plan and any revision or
20 addition to the plan, shall include planning for the
21 transition of the child to a successful adulthood.

22 F. Each individualized service plan shall specifically provide
23 for the safety of the child, in accordance with state and federal
24

1 law, and clearly define what actions or precautions will, or may, be
2 necessary to provide for the safety and protection of the child.

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

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

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

19 I. Prior to adjudication, a parent or legal guardian may
20 voluntarily participate in services related to the behaviors and
21 conditions that led to the filing of a deprived petition.

22 Participation in such services shall not be construed as an
23 admission that the child is deprived and shall not be used as
24 evidence for the purpose of adjudication or disposition.

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

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

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

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

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

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

- 21 a. permitting a child to participate in ~~pornography~~ child
22 sexual abuse material,
- 23 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

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

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

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

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

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

17 b. the child, who is twelve (12) years of age or older,
18 objects to the termination of the parent-child legal
19 relationship,

20 c. the foster parents of the child are unable to adopt
21 the child because of exceptional circumstances which
22 do not include an unwillingness to accept legal
23 responsibility for the child but are willing and
24 capable of providing the child with a stable and

1 permanent environment, and the removal of the child
2 from the physical custody of the foster parents would
3 be seriously detrimental to the emotional well-being
4 of the child because the child has substantial
5 psychological ties to the foster parents,

6 d. the child is not capable of achieving stability if
7 placed in a family setting, or

8 e. the child is an unaccompanied, refugee minor and the
9 situation regarding the child involves international
10 legal issues or compelling foreign policy issues; or

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

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

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

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

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

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

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

5 a. The voluntary consent for termination of parental
6 rights shall be signed under oath and recorded before
7 a judge of a court of competent jurisdiction and
8 accompanied by the judge's certificate that the terms
9 and consequences of the consent were fully explained
10 in detail in English and were fully understood by the
11 parent or that the consent was translated into a
12 language that the parent understood.

13 b. A voluntary consent for termination of parental rights
14 is effective when it is signed and may not be revoked
15 except upon clear and convincing evidence that the
16 consent was executed by reason of fraud or duress.

17 c. However, notwithstanding the provisions in this
18 paragraph, in any proceeding for a voluntary
19 termination of parental rights to an Indian child, the
20 consent of the parent may be withdrawn for any reason
21 at any time prior to the entry of a final decree of
22 termination. Any consent given prior to, or within
23 ten (10) days after, the birth of an Indian child
24 shall not be valid;

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

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

4 4. A finding that the parent of a child:

5 a. has voluntarily placed physical custody of the child
6 with the Department of Human Services or with a child-
7 placing agency for out-of-home placement,

8 b. has not complied with the placement agreement, and

9 c. has not demonstrated during such period a firm
10 intention to resume physical custody of the child or
11 to make permanent legal arrangements for the care of
12 the child;

13 5. A finding that:

14 a. the parent has failed to correct the condition which
15 led to the deprived adjudication of the child, and

16 b. the parent has been given at least three (3) months to
17 correct the condition;

18 6. A finding that:

19 a. the rights of the parent to another child have been
20 terminated, and

21 b. the conditions that led to the prior termination of
22 parental rights have not been corrected;

23 7. A finding that a parent who does not have custody of the
24 child has, for at least six (6) out of the twelve (12) months

1 immediately preceding the filing of the petition or motion for
2 termination of parental rights, willfully failed or refused or has
3 neglected to contribute to the support of the child:

4 a. as specified by an order entered by a court of
5 competent jurisdiction adjudicating the duty, amount
6 and manner of support, or

7 b. where an order of child support does not exist,
8 according to the financial ability of the parent to
9 contribute to the child's support.

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

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

15 a. permitting a child to participate in ~~pornography~~ child
16 sexual abuse material,

17 b. rape, or rape by instrumentation,

18 c. lewd molestation of a child under sixteen (16) years
19 of age,

20 d. child abuse or neglect,

21 e. enabling child abuse or neglect,

22 f. causing the death of a child as a result of the
23 physical or sexual abuse or chronic abuse or chronic
24 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;

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

- 5 a. the duration of incarceration and its detrimental
- 6 effect on the parent/child relationship,
- 7 b. any previous convictions resulting in involuntary
- 8 confinement in a secure facility,
- 9 c. the parent's history of criminal behavior, including
- 10 crimes against children,
- 11 d. the age of the child,
- 12 e. any evidence of abuse or neglect or failure to protect
- 13 from abuse or neglect of the child or siblings of the
- 14 child by the parent,
- 15 f. the current relationship between the parent and the
- 16 child, and
- 17 g. the manner in which the parent has exercised parental
- 18 rights and duties in the past.

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

21 13. A finding that all of the following exist:

- 22 a. the parent has a diagnosed cognitive disorder, an
- 23 extreme physical incapacity, or a medical condition,
- 24 including behavioral health, which renders the parent

1 incapable of adequately and appropriately exercising
2 parental rights, duties, and responsibilities within a
3 reasonable time considering the age of the child, and
4 b. allowing the parent to have custody would cause the
5 child actual harm or harm in the near future.

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

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

15 14. A finding that:

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

23 15. A finding that there exists a substantial erosion of the
24 relationship between the parent and child caused at least in part by

1 the parent's serious or aggravated neglect of the child, physical or
2 sexual abuse or exploitation of the child, a prolonged and
3 unreasonable absence of the parent from the child or an unreasonable
4 failure by the parent to visit or communicate in a meaningful way
5 with the child;

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

14 a. ~~the adjudication date, or~~

15 b. ~~the date that is sixty (60) days after the date on~~
16 ~~which the child is removed from the home~~

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

21 a. a parent has made substantial progress toward
22 eliminating the problem that caused the child's
23 placement in foster care, it is likely that the child
24 will be able to safely return to the parent's home

1 within ninety (90) days, and the child's return to the
2 parent's home will be in the child's best interests,
3 b. the child has a close and positive relationship with a
4 parent and a permanent plan that does not include
5 termination of parental rights will provide the most
6 secure and appropriate placement for the child,
7 c. the child is twelve (12) years of age or older, is
8 firmly opposed to termination of parental rights, and
9 is likely to disrupt an attempt to place the child
10 with an adoptive family,
11 d. a parent is terminally ill but in remission, does not
12 want parental rights to be terminated, and has
13 designated a guardian for the child,
14 e. the child is not capable of functioning if placed in a
15 family setting. In such a case, the court shall
16 reevaluate the status of the child every ninety (90)
17 days unless there is a court determination that the
18 child cannot be placed in a family setting,
19 f. the child is an unaccompanied, refugee minor and the
20 case involves international legal issues or compelling
21 foreign policy issues,
22 g. adoption is not an appropriate plan for the child,
23 h. the parent's incarceration constitutes the primary
24 factor in the child's placement in substitute care and

1 termination of parental rights is not in the child's
2 best interest, or

3 i. the parent's participation in a court-ordered
4 residential substance abuse treatment program
5 constitutes the primary factor in the child's
6 placement in substitute care and termination of
7 parental rights is not in the child's best interest.

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

12 The court may also consider circumstances of the failure of the
13 parent to develop and maintain a parental bond with the child in a
14 meaningful, supportive manner, and whether allowing the parent to
15 have custody would likely cause the child actual serious
16 psychological harm or harm in the near future as a result of the
17 removal of the child from the substitute caregiver due to the
18 existence of a strong and positive bond between the child and
19 caregiver; and

20 17. A finding that a child younger than four (4) years of age
21 at the time of placement has been placed in foster care by the
22 Department of Human Services for at least six (6) of the twelve (12)
23 months preceding the filing of the petition or motion for
24

1 termination of parental rights and the child cannot be safely
2 returned to the home of the parent.

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

6 (1) the adjudication date, or

7 (2) the date that is sixty (60) days after the date
8 on which the child is removed from the home.

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

11 (1) circumstances of the failure of the parent to
12 develop and maintain a parental bond with the
13 child in a meaningful, supportive manner, and

14 (2) whether allowing the parent to have custody would
15 likely cause the child actual serious
16 psychological harm or harm in the near future as
17 a result of the removal of the child from the
18 substitute caregiver due to the existence of a
19 strong, positive bond between the child and
20 caregiver.

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

23 D. The provisions of this section shall not apply to adoption
24 proceedings and actions to terminate parental rights which do not

1 involve a petition for deprived status of the child. Such
2 proceedings and actions shall be governed by the Oklahoma Adoption
3 Code.

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

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

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

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

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

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

18 F. The designated agency, juvenile bureau, or court employee
19 shall promptly give written notice to the child and family of the
20 child whenever attempts to prevent the filing of the petition have
21 terminated and shall indicate in the notice whether the efforts were
22 successful or whether a child-in-need-of-supervision petition should
23 be filed with the court. A petition may or may not be filed where
24 diversion services have been terminated because the parent or other

1 person legally responsible for the child failed to consent to the
2 diversion plan or failed to actively participate in the services
3 provided.

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

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

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

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

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

21 C. 1. Before making the appointment, the court may receive an
22 investigation and report regarding the background and home of the
23 prospective guardian. The investigation and report of the
24 prospective guardian and placement restrictions and requirements

1 shall be made pursuant to the requirements of the Oklahoma Adoption
2 Code. In determining whether to require a home study pursuant to
3 the provisions of this paragraph, the court shall balance the need
4 for a home study to protect the best interests of the minor with the
5 ability of the prospective guardian to pay for the home study.

6 2. a. Costs of the home study shall be assessed against any
7 private child-placing agency having custody of the
8 child, or the person having legal custody of the child
9 or the prospective guardians of the child.

10 b. (1) For any child in the custody of the Department of
11 Human Services or the ~~Department of Juvenile~~
12 ~~Justice~~ Office of Juvenile Affairs, the
13 applicable Department shall conduct or provide
14 for the home study for such child as required by
15 the Oklahoma Children's Code or the Oklahoma
16 Juvenile Code.

17 (2) The Department of Human Services or the
18 ~~Department of Juvenile Justice~~ Office of Juvenile
19 Affairs shall not be required by any court to
20 conduct or provide for a home study and report to
21 the court on guardianship placements for any
22 child that is not in the custody of either
23 Department.
24

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

4 4. Except in the case of an emergency guardianship placement,
5 the court shall receive a background check for a prospective
6 guardian and all other household members eighteen (18) years of age
7 and older, consisting of a review of a national fingerprint-based
8 criminal background check or an Oklahoma State Bureau of
9 Investigation name-based criminal history background check, a search
10 of the Department of Corrections' files maintained pursuant to the
11 Sex Offenders Registration Act, and a search of the child abuse and
12 neglect information system (CANIS) maintained for review by
13 authorized entities by the Department of Human Services. The
14 Department may charge a fee not to exceed Thirty-five Dollars
15 (\$35.00) for each search performed pursuant to this paragraph. In
16 the case of an emergency placement, the court may waive the
17 requirement for a CANIS search if it cannot be obtained in a
18 reasonable time and the court determines that it is in the minor's
19 best interest that the CANIS search be waived.

20 D. In addition, before making the appointment, the court must
21 cause notice of the hearing on the petition for appointment of a
22 guardian for a minor to be given in the form required by the court
23 to the minor if the minor has attained the age of fourteen (14) as
24

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

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

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

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

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

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